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PRESENTED BY  
ABANI NATH MUKHARJI  
OF UTTARPARA.  
THE

# EDINBURGH REVIEW.

MARCH, 1829.

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No. XCVII.

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ART. I.—*Proposals for an Improved Census of the Population.*  
Pp. 37. London, 1829.

ALTHOUGH the happiness of a country does not depend on the circumstance of the inhabitants being few or many, but on the proportion which they bear to the supply of necessaries, conveniences, and enjoyments at their disposal, still it is on many accounts extremely desirable to know their exact number. A nation having only ten millions of people, might be decidedly more powerful than a nation with twenty millions, if they were less instructed, less industrious, or less rich. But other things being the same, there can be no doubt that the political power and importance of a nation will be in a very great degree dependent on the amount of its population. Although, however, the magnitude of the population of a country had no influence in determining the place which it must occupy in the scale of nations, still there are many most interesting subjects of enquiry which cannot be successfully prosecuted till this magnitude be known. It is impossible, for example, to determine the extent to which levies of individuals, either for the military service, or for any other object, may be safely carried, unless the population has been enumerated and classed. It is clearly, too, for the interest of a very large class of persons, or rather, we should say of the public, that those questions which depend upon the expectation or probable duration of human life, such as those

relating to life insurances, the constitution of friendly societies, and the value of life annuities, should be accurately solved. But this cannot be done without the aid of tables truly representing the law of mortality; and these cannot be prepared without the aid of censuses, enumerating not only the total number of persons in a country or district, but the numbers at every different age, from infancy upwards. The solution of such questions is not, however, the only, nor, perhaps, the greatest service, that may be derived from enumerations of the population. By comparing together censuses made with the requisite care, and embracing a sufficiency of details, we obtain authentic information, not otherwise attainable, with respect to the proportion which the sexes bear to each other; the changes in the channels of industry; the increase and decrease of different diseases; the effect of epidemics; and an immense variety of other subjects which are not merely matters of rational and liberal curiosity, but come home to our business and bosoms, and exercise a powerful influence over human happiness.

It is hardly necessary to say that an actual enumeration, or census of the people, is the most efficient, or rather the only means, that can be safely depended upon for ascertaining their numbers. But as the formation of a census is a measure that can only be carried into effect through the interposition of governments, which have not always been inclined to lend it their sanction, other, though less perfect methods, have been resorted to by individuals or societies wishing to estimate the population. And as these methods were for a long time the only ones made use of in this country, we shall now very briefly notice some of the most prominent amongst them.

The first, and perhaps most obvious of these methods, was to enumerate the Houses in a kingdom, and to multiply the houses by what was supposed to be the number of persons occupying them. This method has frequently been resorted to in Great Britain and Ireland. Previously to the Revolution, a hearth duty, or tax proportioned to the number of fire-places in a house, was payable by all houses in the kingdom; and since the Revolution, the number of houses has been inferred from the returns made by the collectors of the house and window duties. It is easy, however, to see, that neither of these methods, but more particularly the latter, can be at all depended upon. The books containing the accounts of hearth-money have been lost; and it is not quite certain whether Dr Davenant, in stating the number of houses in England and Wales in 1690, as given in the hearth-books, really meant the buildings in which families lived, or the families themselves. The former opinion was maintain-

ed by Dr Price,\* and the latter by Mr Eden,† afterwards Lord Aukland; and it is not easy to say which of them is right. But little, therefore, as this account can be depended upon, those that have been prepared since the Revolution, from the returns of the collectors of the house and window duties, are still less worthy of credit. The collectors were only required to make out and return to the commissioners of assessed taxes, lists of the houses within their respective collections, chargeable with the duties in question. But all cottages exempted from the usual taxes to church and poor, were also exempted from the house and window duties; and there was no obligation on the officers to return an account of their numbers. Some of them no doubt imposed this task upon themselves, and performed it gratuitously; but it was either wholly neglected, or but very imperfectly performed by many more. There is also great reason to think that there have always been, and still are, very considerable errors in the accounts of the houses actually chargeable to the assessed taxes. In making out militia lists, at least in country parishes, where every individual is known to every other individual, it is not easy for the officers making the return to commit any error without its being detected; for if, either through accident or design, they omit any individuals that ought to be inserted, the chances of the ballot falling on those returned being proportionally increased, it becomes every one's interest to get the list amended, and the deficiencies supplied. But this is not the case in imposing assessed or other taxes. These are charges which every one is naturally desirous to escape altogether, or to get reduced below what they ought to be; and as no one else has any interest in the prevention of this sort of fraud, there is nothing to correct either the carelessness or connivance of the officers. Under these circumstances, there can be no doubt that the lists obtained by the collectors of the house and window duty must be inaccurate; and that but little reliance can be placed on any inferences drawn from them.

A famous controversy was carried on, during the latter part of the American war, between Dr Price on the one side, and Mr Wales and Mr Howlett on the other, with respect to the population of England. Dr Price maintained that the population had gradually decreased from the Revolution down to the period referred to; and that the ratio of decrease had increased during the twenty years ending with 1780. The Doc-

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\* *Essay on the Population of England*, p. 18.

† *Letters to Lord Carlisle*, 3d edition, Appendix, p. 23.

tor principally relied, in supporting this opinion, on the returns of houses by the window-light surveyors. According to the interpretation given by him to the statement of Dr Davenant, already referred to, it appeared that there were 1,319,215 houses in England and Wales in 1690; and it appeared by the returns of the window-light surveyors that there were only 952,734 in 1777; so that Dr Price concluded, supposing five to be the average number of persons to a house, that the population must have declined in the course of 87 years, or in the interval between 1690 and 1777, from 6,596,075 to 4,763,670.\* There were some collateral circumstances on which Dr Price founded; and he further endeavoured to show, that the diminution of population was not only directly proved, in the way now mentioned, but that though such direct proof had not been obtainable, there were circumstances in the condition of the country from which it might have been confidently inferred;—the increased emigrations to the colonies, the drains occasioned by foreign wars, the increase of enclosures and of the size of farms, the overgrown magnitude of the metropolis, the progress of luxury, and so forth, being, as he affirmed, at once causes and consequences of a decrease of population. Had Dr Price been at all aware of the laws which really govern the increase of population, he would not, it is plain, have drawn any such inferences. The circumstances from which he deduced the conclusion that population must have diminished, were all of them in truth either quite immaterial, or went to show that it had really increased. But as the circumstances which determine the amount of population were then very imperfectly known, the statements and reasonings of the learned author, enforced as they were with very considerable talent, made an impression, and excited a good deal of attention and discussion. Various replies were made to Dr Price; but those by Mr Wales,† who had accompanied Captain Cook in the capacity of astronomer in some of his voyages; and Mr Howlett,‡ vicar of Dunmow in Essex, were by far the best. The Essay of the latter is indeed a very able one. Mr Howlett examines both the facts and collateral reasonings on which Dr Price built his theory; and shows that no reliance can be placed on the former, and that the latter are founded on mistaken and erroneous notions. But

\* See Dr Price's *Essay on the Population of England from the Revolution to the present time.* Lond. 1781; and his *Treatise of Annuities.*

† *An Enquiry into the present Population of England and Wales.* Lond. 1781.

‡ *An Examination of Dr Price's Essay on the Population of England and Wales.* Maidstone, 1781.

Mr Howlett does not stop here : he gives accounts of the births and burials in a great number of parishes in all parts of the country, for two periods of twenty years each, the first beginning with the Revolution, and the latter with 1758 or 1760 ; and he shows by this comparison, that the number of births and deaths, and consequently the population, had been nearly doubled since the Revolution. Mr Howlett also procured accounts of the actual number of houses in different places of the country ; and by comparing the enumerations so obtained with those given in the returns by the window-duty collectors, he formed a general estimate of the deficiencies in the latter, and consequently of the total number of houses ; and multiplying this number by  $5\frac{2}{3}$ , which he supposed he had ascertained, by actual investigation, to be the average number of persons in a house, he estimated the population in 1780 at 8,691,600, being nearly four millions more than the estimate made by Dr Price. The accounts of births and deaths obtained under Parliamentary authority, and the more careful examination that the registers have since undergone, have occasioned the population in 1780 to be estimated, in the Parliamentary Reports, at somewhat less than eight millions. But Mr Howlett's estimate, though apparently a little exaggerated, was infinitely more accurate than any that had previously been made. His Essay displays great sagacity in the application of principles, and great patience and industry in the investigation of facts. It was supposed at the time, by those qualified to form an opinion, completely to overthrow the principles and statements advanced by Dr Price ; and the census of 1800 showed that that supposition had been well founded.

The details into which we have now entered, not only furnish some account of a controversy that excited a great deal of attention at the time, but they also serve to show the extreme difficulty of forming any close approximation to the population of a country otherwise than by actual enumeration. The Registers of Births and Burials that are kept in most countries, have frequently been resorted to as means by which to estimate the magnitude of the population. In applying them to this purpose, districts in various parts of the country are selected, forming as nearly as possible a fair average of the whole, and a census being taken of the population in them, we learn, by dividing that population by the number of births and the number of deaths, the proportion which they respectively bear to the whole number of inhabitants in the districts that have been surveyed ; and hence it follows, that to learn the population of the entire kingdom, we have only to multiply the total number of births, or the total number of burials, as given in the registers,

by the proportion which either of them has been thus proved to bear to the whole population. Thus, supposing that the average proportion of deaths to the population had been ascertained, by examinations made in different parishes, situated in different parts of a country, to be as one to 45 or 50; the entire population of the country would plainly be equal to the entire number of deaths in a year multiplied by 45 or 50; or, if the proportion of births to the whole population had been ascertained, in the same way, to be one in 28 or 30, the population would be the product of the yearly births by 28 or 30. It is plain, therefore, that if the registers of births and deaths could be relied on as accurate, this would form a compendious and not unsatisfactory mode of forming an estimate of the population. But the registers are in almost all cases very far indeed from being accurate. In England, for example, very many dissenters, none of whom baptize according to the forms of the Church of England, neglect to register their children; some clergymen are averse to register any but those that are publicly baptized; and in the great towns, the ceremony of baptism is not unfrequently dispensed with altogether. An act passed in 1812 obviated some of the previous sources of error in the Registers; but other and more efficient regulations are indispensably necessary to give them adequate accuracy.

The same causes of error, though not to an equal extent, affect the registers of burials. Some classes of dissenters, such as the Jews, Quakers, and Roman Catholics, in London and elsewhere, have their own burial grounds; and many persons, some from poverty, and others through choice, inter their dead without any religious ceremony. No great reliance can therefore be placed on the register of burials; though there does not certainly seem to be any very serious obstacle in the way of rendering it correct.

But though the registers of births and deaths were kept with the most perfect accuracy, it would still be no easy matter to determine the exact amount of the population by their means. What may be considered the average and ordinary rate of mortality in a country—and the same thing is true of the average and ordinary proportion of births—is liable to be deeply affected by the occurrence of scarce or calamitous years, and conversely. In 1801, for example, which was a year of extreme scarcity, the number of registered births in England and Wales was 237,000, and the number of registered burials 204,000; whereas in 1804, which was a year of plenty, there were no fewer than 294,000 registered births, and only 181,000 registered burials; being an excess in the latter year of 57,000 births, and a diminution of 23,000 burials, although out of a larger population. The effects

of any sudden and considerable increase or diminution of the prices of the principal articles of subsistence are always similar. And it is therefore obvious, that in estimating the population by the number of births or deaths, we might fall into very great errors were we to proceed merely on the births or deaths of particular years ;—and it is not very easy to determine what number of years should be selected as an average, or whether years of extraordinary abundance and extraordinary scarcity had not better be left wholly out of view.

Although, therefore, the methods of estimating the population now described, may be advantageously resorted to when a census cannot be carried into effect, still it is plain that they only give approximating results, and that a census is the only method of measuring population that can be safely depended upon. But even in the case of a census, many precautions are required. If it be not taken throughout the country nearly at the same time, individuals travelling from place to place are apt either to be overlooked or counted twice ; and unless the individuals employed to take the census be placed under some sort of control, and made to exert themselves, it must always be more or less inaccurate. There is good reason to think that no one of the censuses taken in this country is nearly so accurate as it might have been. In England, the overseers of the poor, and in Scotland, the parochial schoolmasters, have been selected to take the census ; and perhaps no description of persons could be selected better qualified to perform the principal part of this important duty. At the same time, it is quite certain, that amongst the very large number of overseers and schoolmasters employed to make the returns, many were not sufficiently impressed with the importance of the duty devolved on them by the Legislature, and many were quite incompetent to its proper performance. It must, indeed, have been evident that this would be the case : And our only wonder is, not that the census, in many extensive parishes, was taken in the most careless and slovenly manner ; but that it was, on the whole, executed with the care and attention bestowed upon it. But to give it the desirable degree of accuracy, it is essential that the proceedings of the overseers and schoolmasters should be subjected to some sort of supervision and control. This might perhaps be effected were government to direct the Lords Lieutenant to place it under the superintendence of a small committee of the most active and intelligent magistrates in each county ; this committee being, at the same time, instructed to select some of the inhabitants best acquainted with the state of their respective parishes, to assist in the work, and who might afterwards be questioned by the magistrates as to the mode in which they had proceed-

ed in making the returns, in the event of their thinking any such explanations necessary. We cannot doubt, that, through the agency of some simple machinery of this sort, means might be found for adding very much to the correctness of the census. And as this is a matter of great public interest, we do hope that government will not lose sight of it; but that such measures will be adopted, in taking the census of 1831, as may be sufficient to purify it from the errors that infect and vitiate the censuses taken in 1801, 1811, and 1821.

It is usual when a census is made, besides taking an account of the number of inhabitants, to specify their sex, age, and occupation. This has been attempted in the three censuses that have been taken in this country; but owing to the way in which they were executed, some of the results are wholly undeserving of credit. The census of 1801 excited a good deal of alarm. Many considered it in the light of a preparatory measure, for some more efficient plan of taxation, or some new scheme with respect to the levy of the militia. In consequence, the information communicated to the officers was very often either false or defective; and it is distinctly stated in the preliminary remarks prefixed to the census of 1821, that, in so far as respects the occupations of individuals, the census of 1801 contains no information from which any safe inference can be drawn. The prejudices in question had, however, lost much of their influence in 1811, and may be said to have wholly disappeared in 1821; so that there can be little doubt that the censuses of those years are much more accurate than the former. Still, however, we regret to say, that they are exceedingly defective. The ages were of necessity taken from the reports of individuals, who are said to have evinced no backwardness in declaring them; and in so far as regards them, the returns may be looked upon as about as accurate as they can be expected to be made, in the absence of the supervision and control already alluded to. But with respect to occupations, the information in the census of 1821 is really of almost as little value as that in the census of 1801. This, however, is not so much to be ascribed to any backwardness on the part of individuals to specify their occupations, or the carelessness of the overseers, as to the way in which the returns were directed to be made out. The question as to occupations which the overseers and schoolmasters had to answer, was, ‘What number of families in your parish, township, or place, are chiefly employed in, and maintained by agriculture, or by trade, manufacture, or handicraft; and how many families are not comprised in either of the two preceding classes?’ They must have been sanguine indeed who expected to derive any useful information from such a question. Many curious,

instructive, and highly important conclusions, might be drawn from a properly classed table of the population; but a classification made in the manner pointed out in this question, could either communicate no information at all, or information that is most false and misleading. In estimating, for example, the number of families maintained by agriculture, we suppose it was intended that landlords should be included; but as many landlords reside in towns, how was it possible for the overseers to tell whether their incomes were derived from land, or from funded property, or situations under government? It is stated in the remarks prefixed to the census of 1821, that ‘the third, or negative class, appears to consist chiefly of superannuated labourers, and widows, in small tenements.’ But, if we wish to have a really useful classification, it is plain that a superannuated labourer should be described as such; and it should further be stated, whether his means of subsistence were wholly or partly derived from previous savings, the contributions of charity clubs and friendly societies, or from the parish funds,—information which the overseers of the poor, and the schoolmasters, might in all cases furnish with very little trouble. In the meantime, can any thing be more perfectly ludicrous than to enrol a superannuated beggar, and a rich fundholder, in the same class? And yet, this is what must have been done, if the overseers obeyed their instructions; for as a fundholder is neither an agriculturist, a manufacturer, nor a merchant, it was evidently their duty to enrol him, along with the paupers, in the negative class. But supposing that it had been possible, which it plainly was not, for the overseers to have made a proper distribution of the heads or masters of families, under the former enumeration acts, what were they to make of their dependents? Shall butlers, coachmen, grooms, &c., and their families, be held to be of the same *caste* as their masters; agriculturists, if they be farmers or landowners; manufacturers, if they be manufacturers; or neither one thing nor another, if they be fundholders? Having only their sense of what was proper, to guide them, the overseers, we know, sometimes followed one course, and sometimes another, in making up their returns. But whatever course they followed; whether they enrolled my lady’s footman among the agriculturists, because my lord had an estate, or put him among the manufacturers and tradesmen, or among the rich fundholders and poor widows, they did what was equally absurd. We do therefore hope, that in framing the next census, something effectual will be done to remedy this glaring defect. The exact class to which most masters of families belong, might be learned with the utmost facility; and we feel satisfied, that very few amongst them would have the least objection to de-

scribe the precise functions of every individual in their service. The readiness with which the ages have been declared, affords the strongest presumption that this would be the case ; for though an individual may expect to conceal his age, it is, in the vast majority of cases, quite useless for him to attempt to conceal his business or profession. And if any master of a family declined making such a return, or if there were any suspicions as to its accuracy, the persons employed to take the census might either make or amend the return from other sources, or the family might be excluded from the classification.

A census in which the occupation of every individual and his age were specified, would be a most invaluable document ; not only would it show the number of individuals belonging to each separate profession or calling, but it would serve to exhibit the influence which different employments exercise on the rate of mortality ; while, by comparing different censuses of this sort, future enquirers would obtain an accurate knowledge of the changes produced by the progress of society, both as respects the numerical relations of the different classes to each other, and as respects their longevity. Legislators and practical men would thus be furnished with additional means of perfecting their theories and plans ; and philosophers would be able to clear up and decide many controverted and difficult questions, some of which hinge upon points of much practical importance ; inasmuch as they would have it in their power to appeal to facts and experience, where we can do little more than build upon hypothesis and conjecture. Had accurately classified censuses been taken every ten years from the accession of his late Majesty, what a flood of light would they have thrown on many most interesting subjects ! They would have enabled us to trace the various fluctuations of industry ; the rise and extension of some classes, and the decline and extinction of others ; and, by comparing the ages of those engaged in different occupations, at different periods, we should have learned what had been the average healthiness of each, and which consequently had gained most—for they have all gained something, though not equally—in the common progress.

Let not, therefore, the approaching opportunity of obtaining a correct census—a census worthy of the country and the age—be neglected. If the census to be taken in 1831 be executed with due care, both as respects the enumeration and classification of the people, it will be one of the most important documents ever prepared under Parliamentary authority ; and will not only afford a vast deal of information of immediate practical utility, but will be a point of comparison to all future times.

Classical authority and precedent may be quoted in favour

of the recommendation to render the census as accurate as possible. The most superficial reader of Roman history is aware, that, from the age of Servius Tullius downwards, a census was taken every fifth year at Rome. The censors, or magistrates, to whom the task of preparing the census was intrusted, were amongst the principal officers of the state; and their situation, no less honourable than important, was an object of the highest ambition. Every Roman citizen was obliged to disclose his name, his age, the place of his residence, the name and age of his wife, the number of his children, slaves, and cattle, the value of his property, and the class and century in which he was enrolled. The declaration of the parties was confirmed by an oath; and in the event of its being discovered that they had made a false return, they were punished by the confiscation of their property, and the loss of liberty. Those who neglected to enrol themselves in the census, were subjected to the same punishment; it being held, as Cicero has informed us, that an individual failing to enrol himself, renounced by that act his right of citizenship, and rendered himself unworthy of freedom.—(Orat. pro Caecina, cap. 34.)—At Rome, the census was taken by the censors in person. In the provinces, the citizens made their declarations before the provincial magistrates, according to a form or schedule transmitted to the latter by the censors. All these lists being returned to Rome, were reduced to a tabular form, so that the total number of Roman citizens, and the slaves and other property possessed by each, could be ascertained at a single glance.\* It is not easy to exaggerate the value of such documents. And though the different circumstances under which society is placed in modern times, would not admit of an attempt to make individuals disclose the amount of their property, there is nothing certainly to prevent them being made to disclose their ages and professions.

Various attempts have been made, both in this and other countries, to frame *Tables of Mortality*, or tables representing the average annual proportion which the deaths of individuals at different ages bear to the whole number of inhabitants alive at the same ages. The simplest and best method of constructing a table of mortality, would be to take a large number of children, as 10,000, 100,000, or a million, and following their progress from their birth downwards, to mark the number of those who died each successive year till the whole had disappeared. This method would give the law of mortality amongst the individuals on whom the observations were made, with perfect exactness;

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\* Beaufort sur la République Romaine. Tome i. p. 300, 4to edit.

and if they formed a fair average of the population to which they belonged, the law of mortality which was found to prevail amongst them, would obviously be the law of mortality prevailing, during the same period, in the whole society. But, unfortunately, no table of mortality either has been or can be constructed in this way. It would be impossible, among such a number of individuals as would be required to give a fair average of an extensive country, to follow the course of their lives, and to mark the period of their death, with any degree of precision. But though this difficulty could be got over, and the table calculated, it would not be applicable to so many purposes as is sometimes supposed. The whole number of children on whom the observations are to be made, must either be supposed to be actually born in the same year, or their births must be referred to the same year. Now such being the case, it is plain that the mortality amongst them at any particular period, will exactly represent the co-existing mortality amongst the rest of the population that has attained the same age to which they have attained. But if you were to attempt to infer the rate of mortality amongst children born in the present year, for example, from observations deduced from the law of mortality that is found to have obtained amongst a number of children born ten, twenty, or thirty years since, you would not get results on which it would be safe to depend. The rate of mortality in different periods is not uniform; it varies according to variations in the condition of the people; it is diminished by improvements in their diet, dress, and accommodations; by improvements in medicine and surgery, and by the melioration of the climate consequent on the extension of agriculture and the drainage of bogs and marshes; and it is increased by the opposite circumstances. Although, therefore, we possessed a table accurately representing the annual mortality that had taken place among 10,000 individuals born in 1780, 1790, or 1800, we should not be entitled to conclude, that the rate of mortality amongst 10,000 individuals born this year would be the same. If the condition of the population had been stationary, we might have drawn this conclusion; but it is certain that its condition has been materially improved during the last thirty years, and that this improvement has produced a very great diminution of mortality.

Although, however, it is not possible to pursue the career of each particular individual amongst such a number taken indiscriminately amongst all ranks and orders, as would be sufficient to give a fair average of the mortality in an extensive country, there are certain classes of individuals whose career may be accurately traced, and the precise epoch of their death distinctly ascertained. Such, for example, are the holders of life

annuities, payable either by government or by private individuals or societies ; and those who insure a certain sum on their lives payable at their death : It is indispensable that the granters of annuities in the former case, and the insurers in the latter, should carefully enquire into the age of the parties with whom they transact ; and the cessation of the annuities payable to the one, and the demand for payment of the sums insured on the life of the other, will sufficiently mark the epoch of their death. M. Kerseboom in Holland, and M. Deparcieux in France, calculated tables representing the mortality among the nominees of tontines, and the holders of life annuities in these countries. The latter also gave tables constructed from observations made upon the registers of several religious houses, separating the monks from the nuns. Mr Finlaison, the very intelligent accountant of the National Debt Office, is now engaged in the calculation of tables of mortality from the lists of tontine nominees and annuitants in this country, which the specimens already made public show will be most valuable. But however exact the data, tables so constructed cannot be used in measuring the ordinary rate of mortality. The possessors of annuities are, speaking generally, in decidedly comfortable circumstances, which has a very powerful effect in reducing the rate of mortality ; and the great majority of insurance societies decline undertaking to pay a sum on the death of any individual, who is not, what is termed, a picked life, or whom they have not ascertained, by the report of medical practitioners, to be free from any dangerous disease. The rate of mortality among such classes must, therefore, be decidedly less than the ordinary and average rate of mortality in an extensive kingdom ; and tables expressing that rate are applicable only to the case of those who are placed under nearly similar circumstances.

It is therefore necessary, in order to discover the average law of mortality that obtains in any country, at any specified period, to have recourse to actual enumerations of the people, specifying their numbers and ages, and the numbers and ages of those who have died in the interval between the enumerations. Provided the surveys be made with sufficient accuracy, it is not very difficult, proper precautions being used, to calculate a table that would represent the common and average rate of mortality at different ages. The want of sufficiently accurate observations has, however, prevented the formation of any such table for Great Britain ; and we have been accustomed to infer the general law of mortality, from that which is found to be the law in particular places that have been surveyed with more or less accuracy, and which it is presumed may be taken as a fair average of the entire country, or of the greater portion of it. The North-

ampton table has been generally used for this purpose in England. It was calculated by Dr Price from the burial registers kept at Northampton, and some adjoining parishes, for forty-six years, from 1735 to 1780. This table was originally intended as a guide to the Equitable Insurance Society in the formation of policies; and it is still used by them, and by several other societies. There can, however, be no doubt, as well from original defects in the table, as from the improvement that has taken place in the condition, and consequently the health, of the people, since 1780, that it represents the rate of mortality as considerably greater than it really is. To obviate this defect, an accomplished mathematician, Mr Milne, the actuary of the Sun Life Assurance Office, has constructed a new table, representing the law of mortality from calculations founded on the observations made by Dr Heysham and others at Carlisle. This table gives a decidedly lower rate of mortality than the Northampton table; and there are very good grounds for thinking, that the rate of mortality represented by it, does not differ materially from the actual rate throughout most parts of England; though it cannot be supposed that a table founded on so narrow a basis as the single city of Carlisle, should give a perfectly fair view of the average mortality of the entire kingdom.

According to the Carlisle table, of 10,000 children born alive, 8,461 attain to the age of one year; 6,797 to the age of five; 6,460 to the age of ten; 6,090 to the age of twenty; 5,642 to the age of thirty; 5,075 to the age of forty; 4,397 to the age of fifty; and 3,643 to the age of sixty.

Various very interesting questions may be readily solved by the help of a table of mortality. For example, if it were enquired, what were the chances that a person of forty years of age had of reaching fifty, we have only to divide the number of persons alive at fifty years of age given in the table by the number alive at forty; and the quotient will be the fraction or probability required. According to the Carlisle table it would be, in the case supposed, nearly *eight-tenths*.

By the probable future duration or *expectation* of life of an individual of any given age, is meant the length of time that must elapse until the probabilities of his existing and not existing become equal,—that is, until the number of individuals in existence, of the same age as the party, shall be reduced to a *half*; for it is obvious, that the chances that he will then be dead are precisely equal to the chances that he will be alive. Now, if the decrement of life were, as De Moivre supposed in his Treatise of Annuities, equal over the whole period of life, or from infancy to 86 years of age, when he supposed it to terminate, it is quite clear we should only have to look into a table

of mortality, and when we found that the individuals, given in the table of the same age as the party, had been reduced to a half, the age corresponding to this reduced number would be the required expectation of life. Owing, however, to the greater intensity of mortality in infancy and old age, the results given by tables calculated on this hypothesis, differ in early and advanced life very widely from the fact; though in the intermediate period they correspond pretty well with the actual results as deduced from observation. De Moivre's rule is still adopted by some Continental Statisticians. But in this country, the tables now in use are framed from actual enumerations of the population in the manner described by Mr Milne in his very valuable article on the Law of Mortality, in the Supplement to the Encyclopaedia Britannica, and in his Treatise on Annuities, vol. i. p. 80. According to the Carlisle table, the probable life of a child newly born is equal to  $38\frac{3}{4}$  years. The probable life of a child five years old is the greatest, being equal to  $51\frac{1}{4}$  years. The probable life of a person of twenty years of age is  $41\frac{1}{2}$  years; of a person of thirty years of age, it is equal to  $31\frac{1}{3}$ ; of one of 40 years of age, it is equal to  $27\frac{1}{2}$ ; of one of 50 years of age, it is equal to 21; of a person of 60 years of age, it is equal to  $14\frac{1}{3}$  years, and so on.

The *mean duration* of human life may be learned, on De Moivre's hypothesis, from a table of mortality, by dividing the total number of years that the entire individuals given in the table have lived, by the number of these individuals. But the mortality in infancy being, as has been already observed, much greater than in more mature years, the distribution of the deaths equally over the whole period leads to inaccurate conclusions; so that to obtain a true mean, it is necessary that the actual number of deaths in each separate year should be taken into account.

The proportion which the deaths bear to the whole population is, of course, ascertained by dividing the population by the number of deaths; and though it be true that the register of deaths in this country is deficient in accuracy, still it affords the most satisfactory evidence of a very great and decided diminution in the rate of mortality. Notwithstanding the great increase of population between 1780 and 1800, Mr Rickman states, that the annual average number of burials did not differ materially during that period.\* It appears from the returns obtained under the Population Acts, that in 1780 the rate of mortality in Eng-

\* Preliminary remarks to census of 1821, p. 26.

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land and Wales was in the ratio of one in 40; meaning by this that one-40th part of the whole population died annually. In 1790, the rate of mortality was reduced to one in 45. In 1800, the rate of mortality was, as has been previously observed, owing to the scarcity of that year, considerably increased; but when the mortality is estimated at an average of the four or five preceding years, it is found to have been about one in 47. In 1811, the mortality was one in 52; and in 1821, it was reduced so low as one in 58! The mortality in England ranges from one in 47 to one in 72, Middlesex and Sussex being the extremes. In Anglesey, the mortality is stated at one in 83; but it is most probable, that it is indebted for no inconsiderable part of this apparent excess of health to defects in the registers.

The diminution of mortality, though great everywhere, has been most conspicuous in towns. Such of our readers as have paid any attention to enquiries of this sort, cannot fail to be acquainted with the bitter complaints made by Dr Short, Corbyn Morris,\* Dr Price, and others, of the waste of human life caused by drains from the country to repair the excessive mortality of London and other large towns. And it must be admitted that there were pretty good grounds for these complaints. According to the bills of mortality, it appears that the rate of mortality in London, at the beginning of last century, was less than it afterwards became. Its increase might be owing, perhaps, to a relaxation in the severe measures that were adopted, after the great plague in 1665, in order to enforce cleanliness. But to whatever causes it may be ascribed, the mortality increased from 1700 to 1720; and seems to have attained its maximum in the period from 1720 to 1750.† Dr Short, in his *New Observations on the Bills of Mortality*, published in 1750, estimated the mortality in London at one in 24 of the whole population, natives as well as immigrants—(p. 178); and it is certain that there was an actual decline of the population in the interval between 1740 and 1750. Dr Price, founding on the returns in the bills of mortality from 1759 to 1768, estimated the deaths to be to the total population in the ratio of one to  $25\frac{3}{4}$ .‡ And, high as this

\* In his *Observations on the growth and present state of the City of London*, first published in 1751, and republished in 1758, Corbyn Morris calculates, that, in the period between 1688 and 1750, no fewer than 506,000 individuals had died in London more than were born in it.

† Heberden on the Increase and Decrease of Diseases, p. 30.

‡ Treatise on Annuities, ii. p. 83.

proportion may appear, it does not seem that there are any satisfactory grounds for thinking that it is in any degree exaggerated. Indeed, Mr Rickman states, in his observations on the population of the metropolis, in the Parliamentary papers relative to the late census, that the annual mortality in London towards the middle of last century, was as high as one in 20 ! It may also be observed, in corroboration of these estimates, that the annual burials, during the ten years ending with 1768, amounted, at an average, to 22,596, while the average births during the same period did not exceed 15,710.\* But it is quite plain, that this extraordinary discrepancy could not have obtained unless the rate of mortality had been extremely high; and it also shows the necessity of a large influx of immigrants to keep up the population. But from about 1770, a decided improvement commenced taking place. The rate of mortality began gradually to decline, and the excess of burials over births to be reduced. In 1800, the mortality had declined to one in 32, and in 1820 it did not exceed one in 40; being a diminution of about a half in little more than half a century. In 1790, the births, for the first time, exceeded the burials. And during the ten years ending with 1820, there was an excess of 51,000 in the total number of births over the total number of burials. So that it is quite plain, supposing no unfavourable change to take place, that London would now go on adding to her population, though she were not to receive a single recruit from the country.

This extraordinary improvement must be ascribed partly to the same causes which have led to the increase of health all over the kingdom; such as improvements in diet, dress, and lodging; the greater prevalence of habits of cleanliness and sobriety; discoveries in medical science, &c.; and partly to causes peculiar to London; such as the opening of new streets, the growing taste for country houses, and the increasing disposition of most classes to send their children to be educated in the country. But the improvement has not been confined to the metropolis; it has been equally conspicuous in other towns. The rate of mortality in Manchester in 1770, as deduced from the careful observations made by Dr Percival, was one in 28; whereas, at present, it is not supposed to exceed one in 45. According to Dr Enfield, the population of Liverpool, in 1773, was found, by actual enumeration, to be 32,400; and dividing this number by 1191, the annual burials at that period, we have

\* Price, ii. p. 86.

the proportion of deaths to the whole population as one in  $27\frac{1}{4}$ . But in 1821, when the population of Liverpool and its environs amounted to 141,487, the deaths were only in the ratio of one in  $44\frac{1}{2}$ ; and excluding the environs, they were, to the population of the town, as one to about 41.\* On an average of the entire period from 1810 to 1820, there died in Birmingham one out of every 39.7 inhabitants; in Glasgow, one out of every 45.6; in Leeds, one out of every 47.6; and in Northampton, one out of every 51.†

We would not be understood as warranting any of these statements as quite correct, though we do not believe that they involve any material inaccuracy. At the same time, we must say, that the slovenly and careless manner in which the accounts of births, marriages, and deaths, are kept in most large towns, and particularly in the metropolis, is a disgrace to the country. The practice of keeping bills of mortality in London began in 1592; but being dropped for a while, it was revived in 1603, and has ever since been regularly continued. Had these bills been drawn up by competent persons, and with adequate care, they would have been invaluable; but as it is, they are worth comparatively little. The mode of making up the bills in 1603, has been religiously continued down to 1829. When a person dies, some one of his friends, or more commonly the undertaker, informs the *searchers* of the circumstance; and the latter, upon receipt of this information, go and inspect the body, and then write a report, containing the name, age, residence, and disease, of the deceased. This report is transmitted to the clerk of the parish, who, after entering the name and age of the deceased in the parish register, forwards the report to the hall of the Parish Clerk's Company; where the death, and the species of disease, are engrossed, first into the weekly, and thence into the annual, bills of mortality.

It is obvious that a great deal is thus made to depend on the qualifications of the searchers. Our Scotch readers, not acquainted with the way in which things are managed in the other end of the island, may, perhaps, be simple enough to imagine, that none but those who have gone through a regular course of medical education can be appointed to the office of searcher; but such is not the case. The searchers are not medical men, nor are they men at all! However singular it may seem, the

\* Stranger in Liverpool, 7th Ed. p. 57.

† Paper communicated by Mr Milne to the Committee on Friendly Societies—Report of 1827, p. 74.

duty of making up the original reports whence the bills of mortality are prepared, is devolved, in each parish, upon two ancient and venerable matrons, whose only recommendation is, that they have resided long in the parish, and are known to the churchwardens, by whom they are appointed. It is not required of these excellent persons that they should know any thing of medicine, or that their orthography should any way resemble that now generally in use. They look upon the detection of concealed murder, and the prevention of private burial, as the sum and substance of their duty; the rest being, in their opinion, of no importance. Unless there be something very singular indeed in the case, they take every thing for granted which the relations of the deceased choose to tell them. Even if they had the wish, which they rarely have, they are plainly without the means of questioning them, so as to ascertain the truth upon any given point.

Nobody can be interred in London, in any of the regular burying grounds, without a certificate or searcher's report: But Jews, Roman Catholics, &c., have their own burying-grounds. Persons also who die in public hospitals, or infirmaries, are not visited by the searchers; and when they are dissected, no mention of them is made in the bills. The burials, too, in St Paul's Cathedral, in Westminster Abbey, the Rolls, Lincoln's Inn, St Peter's in the Tower, the Charter-House, &c. not being parochial cemeteries, are, for that reason, omitted in the bills. And it is a still more singular fact, that the burials in the very large and populous parishes of Mary-le-bone and Pancras have not yet obtained a place in them.

The searchers are paid by small fees, varying from one shilling to five shillings, and upwards, which they receive from the friends of the deceased; but if the burial be made at the expense of the parish, then the searchers are paid by it.

To dwell upon the defects of such a system would be a mere waste of time. They are so glaring as not to require being pointed out. It is plain, that statements with respect to the nature of diseases, taken by old ladies from the reports of friends and undertakers, must be nearly, or rather, we should say, entirely worthless; and it is further plain, that as the only check as to the accuracy of the numbers in the bills, is burial in a *parochial cemetery*, they must, even in that respect, be extremely defective.

Such being the case, we do think we are entitled to say, that it is high time that the mode in which the London bills of mortality are drawn up, should undergo a thorough revision. This might to a certain extent be performed by the civic authorities

only ; who cannot be otherwise than anxious to remedy what is really so very disgraceful to the city ; but the concurrence of government would, we apprehend, be necessary to render the reform as complete and extensive as is desirable. It is needless to say that the services of the old ladies might be advantageously dispensed with ; and that none but persons who have gone through a regular medical education, and taken, at least, a surgeon's degree, should be appointed to that office. These persons might be paid partly by a salary, and partly, as at present, by fees ; and it would be expedient, that they should be appointed only from year to year, that they might be dismissed without difficulty, when they were found to neglect their duty. But the appointment of a new class of searchers would not be enough. In order to obtain an accurate knowledge of the mortality amongst the vast population of the metropolis, and of the various circumstances affecting the condition of its inhabitants, several additional measures would be required ; of which the following seem to be the most important :—

1st, The bills of mortality should be made to embrace the whole of the metropolis, and its suburbs for six or seven miles round.

2d, Every clergyman, of whatever denomination, should be obliged to send monthly or quarterly bills of all the marriages and baptisms he has celebrated during that period ; specifying the names, ages, professions, and residences of the parties married, and whether any of them had been previously married ; and specifying also the sex and names of those baptized, and whether they were legitimate or illegitimate.

3d, Every person occupying a house within the limits of the bills of mortality, should be obliged, under a pretty considerable penalty, immediately to notify when a birth or a death takes place in his house ; and in the event of its being discovered that any one had neglected to give such intimation, the penalty should be made recoverable by a summary action before a magistrate, and go to increase the emoluments of those employed to draw up the bills.

4th, Monthly or quarterly returns should be required of the interments in all burying-grounds, or places, whether parochial or not ; and it should be made incumbent on the managers of all public and private hospitals to transmit monthly or quarterly reports, specifying whatever deaths had occurred in them ; the names, ages, professions, and residences of the parties, so far as they can be learned, and the diseases of which they died.

5th, We are also strongly inclined to think, that it would be good policy to oblige every medical practitioner, whether phy-

sician, surgeon, or apothecary, immediately to report to the mortality office whenever any of his patients died, specifying the residence, name, sex, profession, and supposed age of the party, and the nature of the disease. This would impose but a very slight duty upon medical practitioners; and they must all be satisfied, that the keeping of exact bills of mortality would powerfully contribute to the progress of medical science.

Besides the medical officers appointed as searchers, two or three individuals, well versed in statistical enquiries, should be placed at the head of the establishment for the preparation of the bills; whose duty it should be to superintend the working of the system, to see that the inferior officers do their duty, that the various reports are regularly obtained, and that the information is properly arranged and classified. It should also be the duty of these persons to superintend the taking of the census in the metropolis, and to acquire every sort of information with respect to the condition of the inhabitants. For this purpose they should be instructed to keep proper accounts of the state of the weather; of the prices of the principal necessaries of life; of the rate of wages in different trades, &c. &c.; so that the effect of variations in any of these on the general rate of mortality, and on the mortality in particular classes, might be clearly ascertained.

Those who are acquainted with the important results derived by M. Villermé, from careful researches into the mortality amongst different classes of the population, and in different quarters of the city of Paris, must be aware that these investigations are not calculated merely to gratify a rational curiosity, but that they may be made productive of the greatest utility.

We have been assured that *all* the reforms we have now ventured to suggest, might be effected at an expense of not more than from L.10,000 to L.12,000 a-year; and we trust so trifling an expense will not be allowed to stand in the way of so great an improvement. In Prussia, the Netherlands, and France, establishments of the sort we have proposed, are supported at the public expense, and have been found to be exceedingly useful. It will be creditable to our government to follow so good an example; and most discreditable to it, if it suffer the present system to continue.

The Statistical details published by Dr Cleland, with respect to the city of Glasgow, are deserving of considerable commendation. On the magistrates of that city appointing Dr Cleland to superintend the census of 1821, he began by explaining to the citizens, by means of advertisements and paragraphs in the public papers, the nature and object of the enumerations,

and how desirable it was that they should be accurate; and having done this, he next availed himself of the voluntary services of a number of gentlemen who offered to superintend the proceedings of the officers in their respective parishes and districts; so that the census was taken with the perfect concurrence of the inhabitants, and with the most scrupulous accuracy. The inhabitants were exactly classed according to their age, sex, and profession; and a great deal of interesting information, of various sorts, was consequently obtained. It was found, for example, that there were in Glasgow, at an average, 4.681 persons to a family; that the children below twelve years of age amounted to one-fourth and  $\frac{55}{1000}$ , and that the persons under twenty years of age amounted to four-ninths and  $\frac{11}{1000}$  of the entire population; that there were two persons for every apartment; that of 68,119 males, 21,473 were married; and that of 78,924 females, 21,743 were, of course, also married. Annual bills of mortality are now published at Glasgow, under the superintendence of Dr Cleland; and though it would require the interference of the Legislature to make the registers as perfect as they ought to be, the comparative completeness of the Glasgow bills must strike every one: And the example thus afforded will, we hope, satisfy the authorities in the metropolis, that the reforms we have ventured to recommend are not visionary, but may easily be carried into effect.

The rate of mortality throughout the Continent has been very greatly diminished since 1770, though not, speaking generally, so much as in England. According to the estimate of Necker, who had the best means of acquiring accurate information, the rate of mortality in France, in 1780, was as one to  $30\frac{1}{3}$ ; whereas, according to the official statements in the *Annuaire du Bureau des Longitudes* for 1829 (p. 104), it is now as one to  $39\frac{1}{2}$ . During the earlier part of last century, London seems to have been on the whole less healthy than Paris, notwithstanding the inferior management of the hospitals of the latter, and the large proportion of the population that die in them; but though Paris has gained very greatly since the Revolution, and particularly during the present century, the balance has been turned against her, and she is not now so healthy as London. The mortality in Paris, in 1817 and 1818, is estimated to have been in the ratio of one in  $33\frac{1}{2}$ . The population of Paris, in 1827, was ascertained to amount to 890,431; and, as the deaths during the same year amounted to 23,533, the mortality was equal to one in 37.8. But it is estimated that at least 2000 deaths, consisting partly of foundlings sent to be nursed in the adjacent districts, take place

in the country, that really belong to Paris; and taking these into account, the mortality in 1827 would be one in 34.8. It should also be observed, that the mortality in 1827 seems to have been rather below the average; so that the medium rate of mortality in Paris at present may probably be estimated at one in 33½ or 34.

Mortuary registers have been kept at Geneva, it is said, with great exactness, from 1560; and M. Odier, who has distinguished himself by his attainments in statistics, has calculated, from these registers, tables of the mean duration and expectation of life at Geneva during the last three centuries. The results show a constant and rapidly increasing diminution in the intensity of mortality. During the last forty years of the sixteenth century, the mean duration of human life at Geneva was equal to eighteen years and five months; during the seventeenth century, it was equal to twenty-three years and four months; during the first sixty years of the eighteenth century, it amounted to thirty-two years and eight months; during the period from 1760 to 1802, it amounted to thirty-three years and seven months; and during the period from 1815 to 1826, it amounted to thirty-eight years and ten months; being *more than double* its mean duration in the latter part of the sixteenth century.\*

But from Calabria to Archangel, with few, and these unimportant exceptions, a similar improvement is everywhere observable. Holland used formerly to be described as the grave of Germany. But she is no longer entitled to this not very enviable distinction. The censuses taken by government, and the calculations of M. Quetelet and other able statisticians, have shown that a very signal improvement has taken place in the condition of the people of Holland, and of the kingdom of the Netherlands generally, with respect to health. The mortality in the province of North Holland is at present in the ratio of one in 34½; in South Holland it is as one in 35; and throughout the kingdom of the Netherlands it is, at an average, of the years 1824 and 1825, one in 42.4; showing that the Netherlands is, after Great Britain, one of the healthiest countries in Europe.

It appears from statements given by Dr Price, after Sussmilch, that the average annual number of births at Amsterdam, during the ten years ending with 1770, was 4,600—the annual deaths during the same period being 7,922;† but during the three years

\* See the first supplementary volume for 1828 of the *Bulletin de M. de Ferussac pour les Sciences Geographiques, &c.* p. 106.

† *Treatise on Annuities*, ii. p. 49.

ending with 1820, the average annual births amounted to 7,014, and the deaths to 7,346;\* and in 1825, the births amounted to 7,352, and the deaths had declined to 6,302.† In Copenhagen, according to Dr Price, the births for ten years previously to 1770 amounted at an average to 2,700, and the deaths to 3,300;‡ but at an average of the three years ending with 1818, the births had increased to 3,208, while the deaths had declined to 2,971.§ At Vienna, which has always been a very unhealthy city, the total number of births, from 1783 to 1807, was 285,043, the total deaths during the same period being 355,830; but even at Vienna the balance seems now to be turned to the other side, the births in 1818 amounting to 11,536, and the deaths to 11,070; in 1821 the births amounted to 12,819, and the deaths to 10,411.|| Supposing the population of Vienna to be 295,000, and the deaths 11,000 at an average, the rate of mortality would be one in 26.8. Petersburg, Rome, and Venice, are the only large cities in Europe in which there is now a constant excess of deaths over births; but in Petersburg this excess is gradually declining; and the circumstances of Rome and Venice are so very peculiar, that no inference, with respect to the general state of health, can be drawn from them.

Notwithstanding all that is said about the clear blue skies and delightful climate of Italy, we apprehend, that even in those parts which are free from malaria, the inhabitants are less healthy than in any other country of Europe. Very elaborate statistical tables of the *ci-devant* Venetian provinces were published at Venice in 1826 and 1827, by Signor Antonio Quadri, secretary of the government: And from these tables it appears, that the ratio of mortality in the Venetian provinces is in ordinary years as high as one in 28.764; which is upwards of 20 per cent greater than the intensity of mortality in the province of Holland, and about 50 per cent greater than its intensity in Manchester—a fact which we leave Dr Southey to reconcile with his veracious and reiterated statements as to the unhealthiness and wretchedness of our manufacturing population. We do not, however, ascribe this great mortality wholly to the unhealthiness of the climate; a part of it is no doubt the effect of the cultivation of rice, which is practised in some districts to a considerable extent; but it is, we apprehend,

\* Balbi, *Essai Statistique sur le Royaume de Portugal*, p. 228.

† *Bulletin de Sciences Geographiques*, Sep. 1827, p. 93.

‡ *Treatise on Annuities, uti supra.*

§ Balbi, *uti supra.*

|| Balbi, *Essai Statistique*, i. p. 239.

chiefly to be ascribed to the depressed and abject condition of the population. In proof of this we may observe, that such was the effect of the scarcity of 1816, that the mortality in the Venetian provinces, in 1817, rose to the excessive height of one in 14.<sup>207</sup> An intensity of mortality which has not been paralleled in this country or in Holland during the last 150 years; and which could not have occurred had not the population been already so low that they could fall no lower, that is, had they not been wholly without the means of retrenching. But even in Italy there is an improvement, and the mortality is now less than it was formerly. At an average of the years 1822, 3, and 4, the mortality in the kingdom of Naples, exclusive of Sicily, was one in 31<sup>2</sup>.

Had any of the mortuary registers kept by the Romans in the temple of *Venus Libitina* descended to us, they would have communicated much important information, which we have now no chance of obtaining, as to the condition of the population of Italy in antiquity. There is, however, a singularly interesting passage in the Pandects (D. L. 68. n. ad Legem Faleid.), in which the expectation of life in Italy, at every fifth year, from twenty years of age to sixty, is distinctly pointed out. The statements in this passage, which is given below,\* are, it may be fairly presumed, peculiarly applicable to the reigns of Septimius Severus, Caracalla and Macrinus, Heliogabalus and Alexander Severus; for Ulpian, the authority quoted for the statements, lived under these emperors. It should, however, be observed, in comparing the expectation of life in the subjoined paragraph, with that which now obtains, that none but Roman citizens are referred to by Ulpian. And as all the severer and less healthy sorts of

\* “Computationi in alimentis faciend.e hanc formam esse Ulpianus scribit, ut a prima aetate usque ad annum vicesimum quantitas alimentorum triginta annorum computetur, ejusque quantitatis falcidia praestetur. Ab annis vero viginti usque ad annum vicesimum quintum, annorum viginti octo; ab annis viginti quinque usque ad annos triginta, annorum viginti quinque; ab annis triginta usque ad annos triginta quinque, annorum viginti duo; ab annis triginta quinque usque ad annos quadraginta, annorum viginti; ab annis quadraginta usque ad annos quinquaginta, tot annorum computatio sit, quot aetati ejus usque ad annum sexagesimum deerunt, remisso uno anno; ab anno vero quinquagesimo usque ad annum quinquagesimum quintum, annorum novem; ab annis quinquaginta quinque usque ad annum sexagesimum, annorum septem; ab annis sexaginta eujuscumque aetatis sit, annorum quinque. Eoque nos jure uti ait Ulpianus, circa computationem ususfructus faciendum.”

labour were performed in antiquity by slaves, the expectation of life given in the extract, really applies only to what would now be reckoned the middle and upper classes, the mortality among which is well known to be very decidedly less than among the lower classes. The following table contains the expectation of life in ancient Italy as given by Ulpian, the expectation of life in France as deduced from the table of M. Duvillard, and the expectation in England as deduced from the Carlisle table.

Age.	Expectation of life in Ancient Italy.		Expectation in France.		Expectation in England.	
	Years.	Years. Months.	Years.	Months.	Years.	Months.
20	30	0	34	3	41	6
25	28	0	31	4	37	10
30	25	0	28	6	34	4
35	22	0	25	9	31	0
40	20	0	22	10	27	7
45	14	0	20	0	24	5
50	9	0	17	3	21	1
55	7	0	14	6	17	6
60	5	0	11	11	14	4

This table sets the superior health of modern times in a very striking point of view: And it also shows, which is not generally imagined to be the case, that this superiority is greater in the more advanced periods of life than in the middle period; so that there is now not only a much greater number of children who arrive at the years of maturity, but a much greater number who attain to old age. It should be observed that the expectation of life, deduced from the table of M. Duvillard, being founded on observations made in France previously to the Revolution, is less than the present expectation, to the extent, it is supposed, of fully two years, at an average of the periods mentioned.

The greater number of tables of mortality hitherto calculated make no distinction between the sexes. It is, however, ascertained by a very wide experience, that, at an average, females are longer lived than males. This distinction has been attended to in the tables calculated by M. Odier of Geneva, already referred to; and it has also been attended to in the very valuable and elaborate calculations made by Mr Finlaison with respect to the decrement of life among the nominees of tontines, and those holding life annuities granted by government. It appears from Mr Finlaison's tables, that the expectation of life, of a male child five years of age, is very near 49 years; while, for a female child, it amounts to  $54\frac{1}{2}$  years. The expectation of life of a male of

twenty years of age is, by the same tables, 38 years 5 months; while of a female of the same age, it is very nearly 44 years.

We subjoin the following statement of the expectation of male and female life, according to the statements of M. Odier and Mr Finlaison.

Age. Years.	Expectation of Life at Geneva, from 1815 to 1825.		Expectation of Life among Govern- ment Annuitants in England.	
	Men. Years.	Women. Years.	Men. Years.	Women. Years.
0	40.543	49.964	50.16	55.51
5	49.958	53.268	48.93	54.23
10	46.671	49.339	45.57	51.05
15	42.583	44.953	41.76	47.19
20	38.944	41.176	38.39	43.99
25	35.625	37.000	35.90	40.81
30	31.830	33.358	33.17	37.57
35	27.947	29.313	30.17	34.31
40	24.011	25.050	27.02	31.12
50	16.449	17.836	20.30	24.35
60	11.007	11.729	14.39	17.32
70	6.607	7.440	9.22	10.99

The lives in Mr Finlaison's table being those of government annuitants, must be considered, as was previously remarked, in some measure as picked lives; but though this would raise the expectation of lives of both males and females, it may be doubted whether it would occasion any apparent increase of the discrepancy between the longevity of the sexes. We are, however, inclined to think, for reasons that will readily suggest themselves, that it would have this effect; and that it is chiefly owing to this circumstance, that the excess of female life among the government annuitants in England, as compared with female life in Geneva, is decidedly greater than the excess of male life. The circumstance of the difference between male and female life in Sweden, being also decidedly less than that represented by Mr Finlaison's table, strengthens this inference.

It seems to be pretty satisfactorily established, that matrimony is favourable to longevity. Mr Milne has collected a good deal of information on this point, in the concluding chapter of the second volume of his *Treatise on Annuities*.

In the *Annuaire* for 1829, published by the Board of Longitude in France, there is an account by M. Villot, chef du Bureau de Statistique, of an attempt he had made to determine the duration of a generation at Paris during the eighteenth century; meaning by the duration of a generation the average space that

had elapsed from the birth of a father to that of one of his sons, taken at random among his children. For this purpose, the date of the birth of a male child, and the names of its father and mother, being taken, a search was made among the registers for the date of the marriage of the parties; and then, by means of the references that were thus obtained, a farther search was made to ascertain the birth, and consequently the ages of the father and mother at the period of their marriage, and at the birth of the child. Owing to the number of immigrations, these searches often proved fruitless; but by persevering efforts, such a number were at length completed, as appeared to be sufficient to give a pretty fair average. And it results from 482 instances, taken indiscriminately amongst all ranks and orders, that at Paris, during the eighteenth century, the mean age of a man at the period of his marriage was 29.68 years, and of a woman 24.72 years; the mean difference of age between the parties being 4.96, or very near 5 years: It further appears from 505 observations made on the male, and 486 on the female sex, that the mean age of a father at the period of the birth of a son, has been 33.31 years; and that the mean age of a mother at the same epoch, has been 28.17 years (p. 107). Supposing these statements to be tolerably correct, and M. Villot endeavours to show that they cannot involve any material error, the duration of a generation at Paris in the eighteenth century, would, on this hypothesis, amount to 33.31 years. It is to be hoped, that a similar research will be made to determine the mean age of parties marrying and having children at London.

In attempting to trace the circumstances which determine the condition of man in society, the proportion which the sexes bear to each other, becomes an object of research not less curious than instructive. If the numbers of the sexes varied considerably, or if the proportion which they bear to each other was not constant or nearly so, but susceptible of great variation; that circumstance would exert a material influence on the habits of society, which would certainly change with the changes in the numerical relations of the sexes. Here, however, there is no fluctuation; nothing is left to chance. The proportion between the sexes seems to be determined by a general law of nature; and the balance to be preserved at that precise point which is most favourable for human happiness. It has been established by observations made in countries placed under the most different circumstances; in Russia, for example, and Naples, France and the United States, England and Sweden, and in every country, indeed, in which there are registers that can be depended upon, that the number of males born invariably exceeds the

number of females. This excess is, however, confined within very narrow limits; the male births being most commonly found to be to the female births somewhere between the ratio of 15 to 14, and of 25 to 24. According to the censuses taken in thirty departments of France in 1799, 1800, 1801, and 1802, the average number of male births amounted to 110,312, and of females to 105,287, which gives the proportion of males to females as 22 to 21. But, according to later observations made with greater care, the present proportion of male to female births in France is as 16 to 15. In England and Wales, during the ten years ending with 1820, there were registered 1,664,557 male, and 1,590,510 female births, being to each other very nearly in the ratio of 16 to 15, or in the same proportion as in France. At Prague in 1824, the male births were to the female births in the ratio of 21 to 20.\* In the kingdom of the Netherlands in 1827, the proportion of male to female births was as 100 to 94.7, or as 20 to 19 very nearly.† In Prussia in 1817, the male births were to the female births as 23.3 to 22. In Sweden, at an average of the twenty years ending with 1795, the male births were to the female births in the proportion of 21 to 20. And in the city of Naples in 1826, the births of boys were to those of girls as 75 to 74.

But notwithstanding this preponderance of male over female births, owing partly to the greater longevity of females, but more, perhaps, to the dangers to which men are exposed in the military and naval service, and to emigrations and other circumstances peculiarly affecting their numbers, it is found throughout Europe that the females are everywhere more numerous than the males. It appears from the census of 1821, that there were then 7,137,014 males in Great Britain, and 7,254,613 females, showing that the former were to the latter in the proportion of 100 to  $101\frac{1}{2}$ , or that for every 200 males there were 203 females. In 1818, there were in Prussia 5,244,308 males, and 5,328,535 females, the former being to the latter in almost the exact ratio that obtained in England in 1821. In 1818, the population of the kingdom of Naples consisted of 2,432,431 males, and 2,574,452 females, being in the proportion of 95 males to 100 females. In France, the proportion of females to males is as 100 to 97; and in Sweden as 100 to 94. It is curious to observe, that, notwithstanding this constancy in the excess of females over males in every European country, the reverse obtains

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\* *Bulletin des Sciences Geographiques*, Sep. 1828, p. 91.

† *Bulletin, in loco citato.*

in America. It appears from the census of 1820, as rectified by M. Humboldt, that the white male population of the United States amounted to 3,993,206, and the white female population to 3,864,017, which gives the proportion of males to females as 100 to 97.\* This result, so very opposite to what is found to obtain in Europe, is doubtless to be ascribed to immigration; for of the immigrants entering the Union, the males exceed the females in the proportion of 5 or 6 to 1.

The decline in the proportion of marriages to the population, has been both a cause and a consequence of the increased healthiness that obtains all over Europe. It has resulted partly from a contraction of the field for new entrants, caused by the increased longevity of its existing occupants; and partly from the conviction which seems to be everywhere gaining strength, that it is the duty of every one to abstain from entering into matrimonial engagements until he has a reasonable prospect of being able to provide for the education, and the comfortable and decent subsistence, of the children that may be expected to spring from them. But whatever may be the cause, no doubt can be entertained of the fact, that the proportion of marriages to the population is on the decline throughout Europe. And, in consequence of this decline, the proportional number of births is also diminished; so that, while many of the old channels of mortality have been either wholly shut up or greatly narrowed, the current to be carried off by the others has been proportionally lessened. There is, therefore, no reason to think that the improvement that has already commenced, will speedily come to a close; but, on the contrary, it seems only reasonable to expect, that it will be carried to a still greater extent.—It appears from the investigations of Necker and others, that on an average of the ten years ending with 1780, the marriages in France were to the population as one to 113.3; while it appears from the recent censuses, that on an average of the seven years ending with 1825, the marriages were to the whole population as one to 135.3. A similar decrease has been shown in England; the marriages being to the whole population in 1770, as one to 118; in 1790, as 1 to  $122\frac{1}{2}$ ; and in 1820, as one to 134.

The investigation of the average fruitfulness of women, or of the average number of children to a marriage, is one of great interest, and considerable difficulty. It may be observed, in the first place, that the registers of marriages are in most countries far more complete and perfect than the registers of births. In

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\* *Essai sur l'Isle de Cuba*, i. p. 30.

this country it is known that the latter are extremely defective ; but it is believed the former are pretty nearly correct. Supposing, however, that the registers were correct, an attention to several circumstances is required to arrive at an accurate conclusion. Suppose that, in order to determine the fruitfulness of marriages, a particular period, as twenty years, is selected. It is plain that among the births at the commencement of this period, will be included a number that have sprung from marriages already contracted ; and it is equally plain, that a number of births, produced by marriages contracted towards the termination of the period, will be included in the births of a subsequent period. Now, it is true, that when the population is stationary, the number of births to be added on the one hand, and the number to be subtracted on the other, must exactly balance each other ; so that the number of births given in the registers, supposing them to be correct, will accurately represent the fruitfulness of the marriages contracted during the period under examination. But when the population is either increasing or diminishing, the numbers to be subtracted and added do not balance each other ; and it is no easy matter to assign the precise number of each. If the population be increasing, then as the number of marriages that will be contracted towards the end of a period of twenty or thirty years, will be greater than at the beginning, the number of births to be added will exceed those to be deducted ; and unless this correction be made, the fruitfulness of marriage will appear less than it really is ; while the opposite result would be experienced if the population were diminishing. In order also to obtain the correct proportion of births to marriages, it is necessary to exclude from the calculation all second and third marriages, whether of both individuals or one. If this be not done, it is plain that the fruitfulness of marriages will be under estimated.\*

When, however, these different sources of error are taken into view, and the corresponding corrections have been made, it is found that the number of births to a marriage in Europe may be taken, at an average, at about  $4\frac{1}{2}$ . This proportion is not, however, by any means constant, and depends on an immense variety of circumstances, which it is always very difficult, and sometimes perhaps impossible, to distinguish and appreciate. In general it would seem that there is a greater intensity of fecundity in the south of Europe than in the north, though there are many, and some very striking exceptions, to this rule. In

Russia, for example, the number of children to a marriage is as high as  $5\frac{1}{4}$ , being one of the highest ratios that has anywhere been observed; while in Sweden, the proportion is as low as  $3\frac{1}{2}\%$ . In England, the proportion of births to a marriage, as given in the registers, is as  $3\frac{1}{2}$  to 1; or for every 100 marriages, there are 350 births; and adding one-sixth to the number of births given in the registers for omissions, which is believed to be near the truth, the true proportion will be *four* births to each marriage. In France, the proportion is almost the same as in England; or if there be any difference, the proportion in France will, we apprehend, be found rather to exceed ours. In Holland, the ratio of fecundity is estimated by M. Quetelet at  $4\frac{1}{2}$ , while, according to the same distinguished authority, it is said to be as high as  $5\frac{1}{4}$  in Belgium; a discrepancy for which it is very difficult to account, seeing that Belgium is not only a very thickly peopled, but also a very healthy country.\*

It does not seem that variations of climate, or in the species of food most commonly made use of, exercise any very considerable influence on fecundity. Montesquieu and some other philosophers supposed that a fish diet was favourable to population, and that there were more children born in proportion to the marriages in seaport towns, and on the coast, than in the inland districts of a country. But this opinion does not seem to rest on any good foundation; and recent and careful researches have shown, that the proportion of births is higher in many of the inland departments of France than in the maritime ones. Perhaps there is nothing that tends so much to increase fecundity as the prosperous condition of the lower classes, especially when, as in the United States, they may contract *early* marriages without being under any apprehension of lessening their comforts by doing so.

It is necessary, however, to observe, that we can form no safe conjecture as to the progress of population in a country, from the number of births to a marriage. To form such a conjecture, it is necessary to know the rate of mortality in early life, or to know the age of marriage, and the numbers of those born who attain to that age. It is found that among the lowest and poorest classes, there is often a much larger number of children to a marriage than amongst the higher classes, though, owing to the greater mortality that takes place among the former, their

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\* See a very interesting article *Sur l'Intensité de Fecondité*, by M. Benoiston de Chateauneuf, in the *Bulletin des Sciences Géographiques* for January 1827.

families are usually less than those of the latter. A country where the births were to the marriages in the ratio of 4 or  $4\frac{1}{2}$  to one, might, supposing its inhabitants were placed under more favourable circumstances, increase faster in population than one where the births were to the marriages as 5 or even  $5\frac{1}{2}$  to one. But other things being the same, in countries where the marriages bear a high proportion to the population, and the births to the marriages, there must, it is obvious, be either a rapid increase of population, or a very great degree of mortality; and hence it follows, that in an old-settled and densely peopled country, it is, speaking generally, a favourable symptom when the marriages do not bear a high proportion to the population, nor the births to the marriages. Such a country may not be advancing rapidly in population; but, which is of infinitely more consequence, it ~~may~~ be safely inferred, that the rate of mortality in it is not very high, and that the condition of the population is comparatively prosperous.

We are afraid we have fatigued our readers with these details. But whatever importance they may attach to them, we believe they are mostly such as they will not meet with in any English publication. The English originally led the way in the science of political arithmetic. The admirable work of Graunt on the London bills of mortality, published in 1662; the Essays of King and Sir William Petty; Dr Halley's paper in the Philosophical Transactions for 1692; and some tracts of Dr Davenant, were among the earliest efforts in this line of enquiry. Since that time, however, it has been comparatively neglected by us; and were it not that a knowledge of the law of mortality, and of the expectation of life, is required in deciding questions with respect to annuities, it may be doubted whether the least attention would now be given to any one of the enquiries in which we have been engaged. In Germany, and to a considerable extent also in France and Italy, an acquaintance with the principles of political arithmetic and statistics is justly considered as forming an important part of the education of a gentleman; but in England it is otherwise. What with Nonsense verses at school, and Novel-reading, Apocrypha controversies, and Phrenology afterwards, we have no time to attend to such matters. Notwithstanding all that is said about the march of intellect, and the efforts to multiply sixpenny systems, it is a fact that even the science of geography, interesting and important as it is, is at this moment, and has long been, at a lower ebb in Great Britain than in any country of Europe, Spain not excepted. In despite of the superior means of information at our command, we have not published a single com-

plete treatise on geography during the last hundred years, that is not utterly contemptible. Those among us who wish to acquire any really accurate or useful information with respect to the condition of foreign countries, or even of their own, must have recourse to foreign works. For this reason, we think, the translators of M. Malte-Brun's Geography have done good service to the public, by rendering so valuable a work accessible to the English reader. If the part which is to treat of the United Kingdom be as well executed as that which treats of the United States of America, it will do something to supply one of the greatest desideratum in British literature—a tolerable account of the British dominions.

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ART. II.—*Collection Complète des Pamphlets Politiques et Opuscules Littéraires de PAUL-LOUIS COURIER, Ancien Cannonier à Cheval.* 8vo. Pp. 510. Bruxelles, 1826.

THIS is, in many respects, one of the most curious and interesting books that we remember to have seen of late years. As the author is little known beyond the literary and political circles of Paris, and as his works, besides their extraordinary merit in point of composition, are full of important information respecting the state of things in France before and since the Revolution, we shall make no apology for giving some account of them to our readers, having been fortunate enough to procure a copy, which we understand the vigilance of the police has frequently rendered very difficult.

Courier was the son of a proprietor in Touraine, that is, a landholder, not noble, and of independent, but moderate fortune. At an early age he devoted himself to the acquirement of classical literature, and made extraordinary proficiency in the Greek language, which through life continued to be his favourite study. He made some progress also in the mathematics; and having entered the artillery, served with distinction, first in the campaign of 1792, and afterwards in those of Italy and Germany. He rose rapidly to the rank of *chef d'escadron* in the horse artillery, but retired after the battle of Wagram in 1809; a measure which, we are told by the editor of this collection, was recommended to him by his love of independence, and to his superiors, by his impatience of subordination and the severity of his humour, unrestrained by any deference for rank.

He was now in his six-and-thirtieth year, and he devoted the

remainder of his life to the cultivation of his estate and to literary pursuits. The abuses of the government in his earlier years, more especially the domineering spirit of the nobles, the corruptions of the Romish church, and the impure lives of the higher clergy, seem to have given him an incurable prejudice against the aristocracy and the Catholic priesthood. Thus, though baptized, as is usual, by the name of the estate, *de Meré*, he never would take it, ‘*de peur qu'on ne le crût gentilhomme.*’ In all his writings he designates himself either ‘*Vigneron*,’ or ‘*Bucheron*,’ or simply peasant, and takes a pride in representing himself as living the life of his neighbours in that station. He is their adviser in difficulties, their advocate when attacked; and after a strenuous warfare waged against local abuses, petty oppression, and ecclesiastical corruptions, he appears at last to have fallen a sacrifice to his zeal: For, while engaged in exposing these malversations by publications, which he contrived, notwithstanding the vigilance of the police, to put forth from time to time, he was assassinated within a few steps of his own house, to which he was returning from a journey. ‘*Qui fut l'assassin?*’ (says his biographer) ‘*comme on ne peut former là-dessus que des conjectures, il est juste et prudent de garder le silence.*’

He appears to have been a man of inflexible honesty, and, in the relations of private life, kindly and amiable. But his humour was eccentric, and his prejudices as strong as many of those which he spent much of his life in combating. The abuses of certain institutions had unfortunately given him a bias against their use; and he often expresses himself in a tone of irreverence upon sacred subjects, less, perhaps, because he was inclined to treat them with disrespect, than because he was sensible of the pernicious ends to which they were often perverted.

It is, however, with his writings that we have here to do; and the merits of these are of a very high order indeed. They abound in plain, strong, masculine sense, illustrated with classical allusions, naturally and happily introduced, and seasoned with wit more brilliant than is almost anywhere else to be found—for it has the keen edge of Swift's satire, with a style of more pointed epigram, and the easy playfulness of Voltaire, without his pertness and flippancy. His statements and narratives are short, and so clear, as to present a sudden and lively picture; his arguments are models of conciseness and force. He is truly a writer of extraordinary powers, and nothing could have prevented him from attaining a very eminent place among the literary men of his age, but his never having composed a work of any considerable magnitude, upon a subject of permanent importance.

The caustic severity in which he indulges, and indulges too frequently, is, for the most part, called forth by some instance of oppression, some actual case of great abuse in important things; but sometimes also it is excited by his own real or fancied wrongs, and then it sits less gracefully upon him. He seems never to have condescended but once to solicit a favour, and that was when, in compliance with his kinsman Clavier's dying request, he became a candidate for the vacancy occasioned by his death in the Academy of Inscriptions. The election took place during the ascendancy of the ultra faction; and the same body which had rejected the father of modern Grecians, the illustrious Corraii, preferred to Courier certain courtiers, 'qui,' (in the words of the court journal) 'à dire vrai, ne savent point de Grec, mais "dont les principes sont connus.' This refusal, where he felt he had been guilty of a condescension, rankled in his proud spirit, and gave occasion to a very severe attack upon the Academy, in a letter addressed to its members; containing, no doubt, a great deal of truth, but conveyed in terms of the most unsparring sarcasm, and with all the exaggeration incident to compositions professedly satirical. Although, from taking its origin in feelings of a personal nature, this is a far less pleasing composition than those which are inspired by a just indignation at oppression or abuse, and a strong sense of the wrongs of others; yet we shall extract one or two passages, as illustrating the character we have given of his style. 'Ce qui me fache le plus,' says he, speaking of his rejection,

'C'est que je vois s'accomplir cette prediction que me fit autrefois mon pere :—“*Tu ne seras jamais rien.*” Jusqu'à present, je doutais, (comme il y a toujours quelque chose d'obscur dans les oracles,) je pensais qu'il pouvait avoir dit,—“*Tu ne feras jamais rien ;*” ce qui m'accordait assez, et me semblait même d'un bon augure pour mon avancement dans le monde; car, en ne faisant rien, je pouvais parvenir à tout, et singulierement, à être de l'Academie !\* Je m'abusais. Le bon-homme, sans doute, avoit dit, et rarement il se trompa,—“*Tu ne seras jamais rien ;*” c'est-à-dire, tu ne seras ni gendarme, ni rat-de-cave, ni espion, ni duc, ni laquis, ni academicien.'

'Ce n'est pas là, messieurs, ce que craignait votre fondateur, le ministre Colbert. Il n'attacha point de traitement aux places de votre academie, *de peur*, disent les memoires du temps, *que les courtisans n'y*

\* In another of his writings, M. Courier, having occasion to mention some Florentine men of letters, who might have remained unexposed but for a controversy of which he is speaking, archly observes :—‘ Jamais on ne se serait douté, qu'ils fussent si peu leur métier, et leur ignorance, ne paraissant que dans leurs ouvrages, n'eût été connue de personne.’

*voulussent mettre leurs valets.* Hélas ! ils font bien pis : ils s'y mettent eux-mêmes ; et après eux, s'y mettent encore leurs protégés, valets sans gages, de sorte que tout le monde bientôt sera de l'Academie, excepté les savants ! comme on conte d'un grand d'autrefois, que tous les gens de sa maison avaient des bénéfices, excepté l'aumônier.'

' Oh ! l'heureuse pensée qu'eut le grand Napoleon, d'enregimenter les beaux-arts, d'organiser les sciences, comme les droits réunis ; *pensée vraiment royale*, disait M. de Fontanes, de changer en appointement ce que promettent les Muses—*un nom et des lauriers !* Par-là tout s'aplanit dans la littérature ; par-là, cette carrière, autrefois si pénible, est de venue facile et unie. Un jeune homme, dans les lettres, s'avance, fait son chemin, comme dans les sels ou les tabacs. Avec de la conduite, un caractère doux, une mise décence, il est sur de parvenir, et d'avoir à son tour des places, des traitemens, des pensions, des logemens, pourvu qu'il n'aille pas faire autrement que tout le monde, se distinguer, étudier. Les jeunes gens quelquefois se passionnent pour l'étude ; c'est la perte assurée de quiconque aspire aux emplois de la littérature ; c'est le mal à tout avancement. L'étude rend paresseux : on s'enterre dans ses livres ; on devient rêveur, distrait, on oublie ses divers visites, assemblées, repas, cérémonies ; mais ce qu'il y a de pis, l'étude rend orgueilleux ; celui qui étudie s'imagine bientôt savoir plus qu'un autre, pretende à des succès, imprime ses égaux, manque à ses supérieurs, néglige ses protecteurs, et ne fera jamais rien dans la partie des lettres.

' Si — eût étudié, s'il eût appris le Grec, serait-il aujourd'hui professeur de langue Grecque, garde des livres Grecs, académicien de l'Academie Grecque, enfin, *le mieux renté de tous les érudits ?* Haase a fait cette sottise. Il s'est rendu savant, et le voilà capable de remplir toutes les places destinées aux savants, mais non pas de les obtenir. Bien plus avisé fut M. R., ce galant défenseur de l'église, ce jeune champion du temps passé ! Il pouvait, comme un autre, apprendre, en étudiant ; mais il vit que cela ne le menait à rien, et il aimait bien mieux se produire que s'instruire, avoir dix emplois de savant, que d'être en état d'en remplir un qu'il n'eût pas eu, s'il se fût mis dans l'esprit de le mériter, comme a fait ce pauvre Haase, homme, à mon jugement, droit mais non habile ; qui s'en va pâlir sur les livres, perd son temps et son Grec, ayant devant les yeux ce qui l'eût du préserver d'une semblable faute. —, modèle de conduite, littérateur parfait — ne sait aucune science, n'entend aucune langue,' &c.

We do not give the names of the individuals here described, for it is impossible to say that the attack upon them may not be unjust, when we see the spirit that dictates the greater part of M. Courier's remarks on the Academy.

One of the first and most interesting of the pieces contained in this volume is a petition to the two Chambers, dated 1816, and setting forth, with much simplicity and pathos, the sufferings of the district in which M. Courier lived, under the oppressions

exercised by the agents of the Ultra government. It is the true picture of a Political distribution of Justice—of the law, administered by a faction—of party principles presiding over the acts of the judicial as well as executive power.

Luynes was a moderate-sized town, which the revocation of the Edict of Nantz had reduced to a very inconsiderable place, having somewhere about a thousand inhabitants, or about two hundred houses. It is situated in Touraine, by far the most peaceful district of France at all times; perhaps the only corner in all Europe where, during the Revolution and its wars, there never was heard the sound either of revolt or invasion. ‘Nous avons ‘connû par oui-dire’ (says our author) ‘les desastres de Lyon, ‘les horreurs de la Vendée, et les hecatombes humaines du grand- ‘prêtre de la raison, et les massacres calculés de ce génie qui ‘inventa la grand guerre et la haute police : Mais alors, de tant ‘de fléaux, nous ne ressentions que le bruit, calmes au milieu ‘des tourments, comme ces Oasis entourés de sables mou- ‘vants du desert.’ So it was in more remote times; and it became a kind of proverb in this district, alike remote from the turbulence of the capital and the perils of the frontier, that the women of Tours had never seen the smoke of a camp. ‘Or, dans cette province, de tout temps si heureuse, si paci- ‘fique, si calme, il n'y a point de canton plus paisible que ‘Luynes. Là, on ne sait ce que c'est que vols, meurtres, vio- ‘lences ; et les plus anciens de ce pays, où l'on vit long temps, ‘n'y avaient jamais vu ni prévôt ni archers, avant ceux qui ‘vinrent l'an passé pour apprendre à vivre à Fouquet. Là, on ‘ignore jusqu'aux noms de factions et de partis : on cultive ses ‘champs ; on ne se mêle d'autre chose. Les haines qu'a semées ‘partout la Révolution n'ont point germé chez nous, où la Ré- ‘volution n'avait fait ni victimes, ni fortunes nouvelles. Nous ‘pratiquons surtout le précepte divin d'obéir aux puissances ; ‘mais, avertis tard des changements, de peur de ne pas crier à pro- ‘pos, Vive le Roi ! Vive la Ligne ! nous ne criions rien du tout ! ‘et cette politique nous avait réussi, jusqu'au jour où Fouquet ‘passa devant le mort sans oter son chapeau.\* A présent ‘même, je m'étonne qu'on ait pris le prétexte de cris séditieux ‘pour nous persécuter ; tout autre eût été plus plausible ; et je ‘trouve qu'on eût aussi bien fait de nous brûler comme entachés

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\* This alludes to the person named having passed a funeral, conducted by a priest, without taking off his hat. M. Courier candidly admits that this rudeness was highly blameable; but the authorities, in their wisdom, made it a ground of severe proceedings.

‘ de l’heresie de nos ancêtres, que de nous deporter ou nous empêcher comme seditieux.’

So it was, however, that all at once were heard, in this tranquil quarter, new and unknown sounds—of some being ‘*good subjects*,’ and others ‘*bad subjects*,’ or rather ‘*well-disposed*’ and ‘*ill-disposed*,’ and some were said to have been speaking evil of the government. One man in particular was flung into prison for five or six weeks on such a charge, while another was let go free, who had bragged that he was keeping his wine for Bonaparte’s return: But the former was an ill-disposed, the latter, a well-disposed person. There were now, as M. Chateaubriand says, ‘ two weights and two measures for the same action; acquittal to one, condemnation to another.’—‘ Etes-vous bien avec tels ou tels?—Bon sujet—on vous laisse vivre! Avez vous soutenu quelque proces contre un tel, manqué à le sauver, querellé sa servante, ou jetté une pierre à son chien? Vous etes mauvais sujet, partant seditieux! on vous applique la loi,—et quelquefois on vous l’applique un peu rudement.’ An example of this is now given; the persons suspected of bad dispositions, were ten of the most peaceable inhabitants of the place, ‘ peres de famille la plus part, vigneron, laboureurs, artisans, de qui nul n’avait à se plaindre, bons voisins, amis officieux, serviables à tous, sans reproche dans leur état, dans leurs mœurs, leur conduite,—mais mauvais sujets!’ At midnight, in the month of March, forty gendarmes entered the town, and distributed themselves in every quarter. At the first dawn they made their way into the houses; and, amidst the terror and confusion they had occasioned, many flying out, they knew not whither, nor wherefore, naked in the streets; some were seized, to the number of ten, and the rest hid themselves and escaped. Those who were thus taken were hurried away to prison, and all intercourse with their families strictly prohibited. Their wives and children were thrown into the greatest alarm, and could only learn, that it was upon a charge of being Bonapartists; although M. Courier observed, that of all the parties to this affair; those who had made the arrest, those who were to sit in judgment, and the prisoners, the latter *alone* were free from all connexion with Bonaparte! to whom the others had both sworn allegiance and preferred their suits for favours. Nay, the magistrate who authorized this act of rigour, had, under Bonaparte, a few years before, treated them with equal harshness for refusing to serve that chief. These unfortunate persons were conveyed from Luynes to Tours; the cause was from thence adjourned, and the prisoners transferred to Orleans, where two of them, in order that the authorities might not appear to be in the wrong,

were sentenced to banishment, two to imprisonment, and the remaining six discharged, ruined in health and in circumstances, and unable to resume their industrious pursuits. The story of one of them is touchingly related.

' Des dix arrêtés cette fois, il n'y en avoit point qui ne laissât une famille à l'abandon. Bralon et sa femme, tous deux dans les cachots six mois entiers ; leurs enfans autant de temps sont demeurés orphelins. Pierre Aubert, veuf, avait un garçon et une fille ; celle-ci de onze ans, l'autre plus jeune encore, mais dont à cet âge la douceur et l'intelligence intéressaient déjà tout le monde. A cela se joignait alors la pitie qu'inspirait leur malheur ; chacun de son mieux les secourut. Rien ne leur eût manqué, si les soins paternels se pouvaient remplacer ; mais la petite bientôt tomba dans une melanolie dont on ne la put distraire. Cette nuit—ces gendarmes, et son pere enchainé, ne s'effaçaient point de sa memorié. L'impression de terreur qu'elle avait conservée d'un si affreux reveil, ne lui laissa jamais reprendre la gaité, ni les jeux de son age ; elle n'a fait que languir depuis, et se consumer peu à peu. Refusant toute nourriture, sans cesse elle appellait son pere. On crût, en le lui faisant voir, adoucir son chagrin, et peut-être la rappeler à la vie ; elle obtint, mais trop tard, l'entrée de la prison. Il l'a vue ; il l'a embrassée ; il se flatte de l'embrasser encore ; il ne sait pas tout son malheur, que fremissent de lui apprendre les gardiens même de ces lieux. Au fond de ces horribles demeures, il vit de l'espérance d'être enfin quelque jour rendu à la lumiere, et de retrouver sa fille ; depuis quinze jours elle est morte.'

' Justice ! équité ! providence !' (he exclaims, addressing the Chambers,) ' vains mots, dont on nous abuse ! Quelque part que je tourne les yeux, je ne vois que le crime triomphant, et l'innocence opprimée. Je sais tel, qui, à face de trahisons, de parjures, et des sottises tout ensemble, n'a pu consommer sa ruine ; une famille qui laboure le champ de ses peres, est plongée dans les cachots, et disparaît pour toujours. Detournons nos regards de ces tristes exemples, qui feraient renoncer au bien, et douter même la vertu.'

But mark the end of all this vigour in support of the government, and against a few peaceable peasants, suspected of having spoken disrespectfully of it. Till now Luynes was the abode of uninterrupted tranquillity, and undisturbed submission to the law. While the accused were carried from dungeon to dungeon, the house of the mayor was set fire to in the night, and he and his family narrowly escaped with their lives. New arrests were now ordered, and justly ; every one was suspected, and probably with good reason ; terror reigned throughout, only to be succeeded by vengeance. The secret had been discovered of making the most submissive and peaceable of mankind rebels ! It is contained in a single word ; but its efficacy is sure, and its operation not lingering—Injustice. ' L'injustice les a revoltés.

' Reduits au desespoir, par ces magistrats memes, leurs naturels appuis, opprimés au nom des lois qui doivent les proteger, ils ne connaissent plus de frein, parceque ceux qui les gouvernent n'ont point connu de mesure.'—A lesson to all rulers, and applicable to every people.

There is a very clever letter in this volume upon the subject of such arrests, but in a style of pleasantry. The order of a *Procureur du Roi* to a commandant of gendarmes, had fallen into our author's hand, and he makes it the text of a commentary, remarkable at once for playfulness and severity: the kind of treatment which a tiger is supposed to give his victim. The words of this precious document are as follow: ' Monsieur le Commandant, veuillez faire arrêter et conduire en prison — de —.' On the beauty of the style, Mr Courier remarks: ' Ceci est bref, concis; c'est le style imperial, ennemi des longueurs et des explications—veuillez mettre en prison; cela dit tout. Ou n'ajoute pas—car tel est notre plaisir: ce serait rendre raison, alleguer un motif; et en style de l'empire, on ne rend raison de rien.' After considering how many persons there might be in France who had the power of writing such *billet doux*, and the price they must be supposed to pay for such a privilege, he goes on:

' En est-il en effet rien de plus beau, de plus grand que celui de pouvoir dire, " Gendarmes, qu'on l'arrete, qu'on le mene en prison ! " Cela ne sent point du tout le robin, l'homme de loi. On ne voit rien là-dessous de ces lentes et pesantes formalités de justice que le Cardinal de Retz reproche, avec tant de raison, à la magistrature, et qui, tant de fois, le firent enrager, comme lui-même le raconte. Il ne se plaindrait pas maintenant. Tout a changé, au-delà même de ce qu'il eût pu desirer alors. Notre jurisprudence, nos loix sont prévotales; nos magistrats aussi doivent étre expeditifs, et le sont. Vite ! tot ! emprisonnez ! tuez ! on n'aurait jamais fini, s'il fallait tant d'ambages et de circonlocutions. Tout chez nous porte empreint le caractere de ce heros, le genie du pouvoir, qui faisait en une heure une constitution; en quelques jours un code pour toutes les nations; gouvernait à cheval, organisait en poste, et fonda, en se debottant, un empire qui dure encore.'

' Tout bien consideré, le parti le plus sûr, c'est de respecter fort les procureurs du roi—and leurs substituts, et leurs clercs; de les eviter, de fuir toute rencontre avec eux, tout demelé; de leur ceder non seulement le haut du pavé, mais tout le pavé, s'il se peut. Car enfin on le sait, ce sont des gens fort sages, qui ne mettent en prison que pour de bonnes raisons; exempts de passions, calmes, imperturbables, des hommes éprouvés sous le grand Napoleon, qui, cent fois dans le cours de sa gloire passée, tenta leur patience, et ne l'a pas lassée ! Mais ce ne sont pas des saints; ils peuvent se facher. Un mot avec

paraphe—le commandant est là—*Veuillez!*—et aussitôt gendarmes à courir, prison de s'ouvrir. Quand vous y serez, la charte ne vous en tirera pas; vous pourrez rever à votre aise la liberté individuelle. Non. Respectons les gens du roi, ou les gens de l'auperçur, qui frappent au nom du roi. C'est le conseil que je prends pour moi, et que je donne à mes amis.'

But he all at once corrects himself, and recollects that he has omitted part of the document. 'J'ai l'honneur d'etre, Mons. le Commandant, avec considération, votre très humble et très obéissant serviteur;' upon which he proceeds to comment with much pleasantry.

'Le tout s'accorde parfaitement avec *veuillez mettre en prison*. *Veuillez*—c'est comme on dit, faites-moi l'amitié ; obligez-moi de grâce ; rendez-moi ce service, à la charge d'autant—*Je suis votre serviteur*; cela s'entend. Il est serviteur du gendarme, qui, au besoin, sera le sien ; ils sont serviteurs l'un de l'autre, contre *l'administré*, qui les paie tous deux ; car l'homme qu'on emprisonne est un cultivateur. C'est un bon paysan qui a deplu au maire en lui demandant de l'argent. Celui-ci, par le moyen du procureur du roi, dont il est serviteur, à fait juger et condamner l'insolent vilain, que le dit procureur du roi, par son serviteur, le gendarme, à fait constituer en prison ! C'est l'histoire connue ; cela se voit partout.

'Oh ! que nos magistrats donnent de grands exemples ! quelle sévérité ! quelle rigidité ! quelle exactitude scrupuleuse dans l'observation de toutes les formes de la civilité ! Celui-ci peut-être oublie dans sa lettre quelque chose,—comme de faire mention d'un jugement ; mais il n'oublie pas le *tres humble serviteur*, *l'honneur d'etre*, et le reste, bien plus important que le jugement ; et tout pour Monsieur le gendarme. Au bourreau, sans doute, il écrit ; "Monsieur le bourreau, veuillez tuer, et je suis votre serviteur." Les procureurs du roi ne sont pas seulement d'honnêtes gens ; ce sont encore des gens fort honnêtes.'

Besides the writings of M. Courier upon the abuses of the magistracy, there are several very remarkable tracts on those of the priesthood, especially the party of the Jesuits. The fundamental defects of the Romish religion and discipline are exhibited in very striking colours, and illustrated by the most dreadful examples. The evils of auricular confession, and the celibacy of the clergy, are, above all, most clearly and eloquently exposed. But how necessary soever this may be in a country where so many of the people are still unweaned from their devotion to that false and pernicious system, in this country there wants no argument nor any illustrations to confirm men's opinions, already fixed on this subject, beyond all risk of being moved. The unceasing efforts of the Jesuits and their adherents, which have produced, since the date of M. Cou-

rier's principal writings, many of the same good effects in the temporal policy of the French government, which the efforts of the Papists under James II. formerly did in England, were, at the time when he wrote, in the first stage of their progress ; and he partook of the alarm with which all rational men then beheld that sect restored to power. They are still active, and therefore formidable, notwithstanding the checks they have of late experienced. But six years ago, their new and unrestrained exertions justified the greatest apprehensions : For the approaching reign of a prince, supposed to be under their influence, was felt in the subserviency of all the baser portion of the magistracy. What passed in the summer of 1822, in our author's district, on the subject of Sundays and holidays, illustrates these remarks.

The Vicar of Veretz is described as an amiable and pious old man ; ‘homme sensé, instruit, octogenaire quasi, mais ami de la jeunesse, trop raisonnable pour vouloir la reformer sur le patron des âges passés, et la gouverner par des bulles de Boniface ou d'Hildebrand. C'est devant sa porte qu'on danse, et devant lui le plus souvent. Loin de blamer ces amusements, qui n'ont rien en eux-mêmes que de fort innocent, il y assiste, et croit bien faire, y ajoutant, par sa présence, et le respect que chacun lui porte, un nouveau degré de décence et d'honnêteté.’ ‘Sage pasteur,’ (exclaims our author,) ‘vraiment pieux ! le puissant-nous long-temps conserver pour le soulagement du pauvre, l'édification du prochain, et le repos de cette commune, où sa prudence maintient la paix, le calme, l'union, la concorde !’ M. Courier affirms, that in these innocent recreations, pursued according to the custom of the country from all time, there never had, within the memory of man, occurred the least disorder ; never, among the young people who met to dance together, had there been known a single act of immorality. Their gaiety was all in public, in the *Place*, surrounded by their parents and neighbours. The experiment of changing such meetings into secret assignations, private tête-à-têtes, he considers to be one full of peril ; but the zeal of the neighbouring vicar of Azai was kindled to make this trial ; and of him our author gives a sketch very different from the one we have just been surveying, but which appears, from his statement, to be the portrait, not of the individual, but of the tribe. ‘C'est un jeune homme bouillant de zèle, à peine sorti de Séminaire, conscrit de l'Eglise militante, impatient de se distinguer. Dès son installation il attaqua la danse, et semble avoir promis à Dieu de l'abolir dans sa paroisse, usant pour cela de plusieurs moyens, dont le principal et le seul efficace, jusqu'à présent, est l'autorité du préfet. Par le préfet il réussit à nous empêcher de

‘ danser ; et bientôt nous fera défendre de chanter et de rire. ‘ Bientôt ! que dis-je ? il y a eu déjà de nos jeunes gens mandés, ‘ menacés, reprimandés, pour des chansons, pour avoir ri.’ The same thing has happened, he adds, in another parish close by, and under another young hero of the Seminary. They have exacted from their female penitents, as a condition of receiving absolution, that they should renounce dancing altogether ; but the power of the Prefect was wanting here, and the number of communicants fell off three-fourths ; so much more powerful were the habits of these young people than the influence of the priest.

But all the zeal was not upon this occasion monopolized by the Seminary priests. The Mayor of Veretz, transported with pious indignation, knocked down the venerable pastor, above described as allowing his flock their wonted recreations, accompanying the outrage with language the most abusive, and charging him with committing sacrilege each time he said mass. The life of this worthy magistrate is described as very irregular, though his zeal be so ardent ; but his politics are of the most approved pattern ; he is the possessor of emigrant property, the whole of his fortune, indeed, being a confiscated estate of that description ; he therefore makes friends of the counter-revolutionary party, from whom alone he has any thing to apprehend. ‘ Son calcul est fin ; il raisonné à merveille. Se ‘ rangeant avec ceux qui le nomme voleur, il fait rage contre ‘ ceux qui le veulent maintenir dans sa propriété—conduite très ‘ adroite ! Si ces derniers triomphent, la révolution demeure, et ‘ tout ce qu’elle a fait ; il tient le marquisat, se moque du mar- ‘ quis. Les autres l’emportant, il pense mériter non seulement ‘ sa grâce, et de n’être pas pendu, mais récompense, emploi, et ‘ qui sait ? quelque autre terre, confisquée sur les libéraux, lors ‘ qu’ils seront émigrés !’ Hence the worshipful man’s ardour against dancing, which the rising party of the Jesuits were setting all their arts to pull down ; hence his vehement rebuke of the reverend pastor, eighty-two years of age ; of whom it is also to be observed, that he was marked out for signalizing his worship’s loyalty to the ruling powers, not more by having taken part with the poor people under his care, than by having held preferment under the Revolution. Accordingly, when he proceeded against the mayor for his unmanly assault, (the effects of which had confined him to his bed,) he found all the ‘ autorités’ took part with his adversary. ‘ Tout ce qui pense bien ‘ le tient duement battu, et applaudit au maire !’ The venerable sufferer is actually condemned to pay the costs of the proceeding, and narrowly escapes being fined also, for having been

beaten ! The account of the proceeding exhibits so striking a picture of what we have above alluded to as the most unbearable of outrages,—injustice done by political judges—wrong perpetrated by the ministers of justice—that we must expose it to the reader at length ; for it is applicable to other magistrates, and other districts as well as that of Veretz.

‘ Des gens ont conseillé au curé de Veretz, battu par le jeune maire, d’en demander justice, ayant preuves et témoins. Il l’a fait ; il s’est plaint. Mais ce curé est un de ceux de la Révolution : il presta le serment, et même fut grand vicaire constitutionnel, homme qui s'est assis dans la chaire empestée ! Il a contre lui toute sa rôle. Tout ce qui pense bien le tient duement battu, et applaudit au maire. Le procureur du roi, sans doute ignorant cela d’abord, prit fait et cause pour l'église outragée ; dans l'ardeur de son zèle voulait casser le poing qui avait frappé l'oint ; mais averti depuis, il a changé de langage, trop tard ; on ne lui pardonne pas d'avoir agi, et fait agir la justice dans cette affaire, sans prendre le mot des Jésuites. Messieurs les gens du roi, entre la chancellerie, et la grande aumônerie, n'ont pas besogne faite, et sont en peine souvent. Le préfet, mieux avisé, instruit d'ailleurs, guidé par le coadjuteur, les moines, les dévotes, et les séminairites, en appuyant son maire, et criant anathème au prêtre de Baal, a montré qu'il entend la politique du jour. Les juges—comment faire contre un parti régnant ? Ils en eurent grande honte, et sortant de l'audience, ne regardaient personne après cette sentence. Ils ont, bien malgré eux, pauvres gens, en dépit de la clamour publique, des preuves, des témoins, condamné le plaignant aux frais et aux dépens. Le parti voulait plus ; il voulait une amende, que messieurs de la justice ont bravement refusé : le battu ne paie pas l'amende ; c'est quelque chose ; c'est beaucoup, au temps où nous vivons. Il ne faut pas exiger plus ; et ce courage aux juges pourra ne pas durer.’

Such scenes as this appal us in England, unaccustomed to acts of outrageous and manifest injustice—scenes in which the law ceases to speak through the judge, becoming the organ of the government, or of a faction, and uttering only the base whispers of scurrility, or giving vent to the shouts of party fury. But much violence may be done to justice in a more quiet, and therefore unsuspected, course of misconduct. Judges may have leanings which influence them all their lives through, without ever betraying them into any gross outrage upon judicial decorum. And whatever the bias is that operates to draw them towards one side or the other—whether favour to the court, or the church, or the people—whatever feeling they indulge other than the ‘constant and perpetual desire of rendering to every one his due,’ they violate their oath of office, and exhibit a spectacle which, be it ever so veiled by outward observance of decorum, ought at all times to be regarded with the utmost abhorrence by every part of the community, and to call down upon the culprit the

most terrible punishment which the public indignation can inflict. It may seem paradoxical to affirm—yet we believe it to be true—that worthy men sometimes allow themselves, when placed in judicial stations, to commit this crime, without being at all aware of its atrocity; and therefore it is that some severe examples seem to be wanting, which may open their eyes, and deter others from being thus beguiled. One thinks that there is too strong a current of popular feeling setting in against the government or against existing institutions; and therefore he fancies he shall discharge his duty better by leaning in their favour. Another imagines, (or may imagine, for we suspect this case is yet to occur,) that the danger threatens from the opposite quarter, and that the people is in risk of being oppressed; he therefore makes a stand against the supposed oppressors, and casts the balance in favour of popular rights. *This* minister of justice fears that the tide runs dangerously against sacred things, and that the Established Church is in jeopardy; he will therefore, in fairness to that venerable institution, incline against whatever seems calculated to weaken or to invade it. *That*, on the other hand, dreads the encroachments upon the laity which churchmen are sometimes suspected of attempting, and sets himself to resist these by favouring the defence against ecclesiastical claims. One has most conscientiously a strong opinion against the inroads which the ambition, or intelligence, or wealth, of the middling classes are making upon the influence of the aristocracy, and would protect its privileges as an integral and an essential portion of the constitution. Another feels as honestly for the wrongs which those privileges inflict upon the portion of the community at whose expense they are enjoyed, and inclines towards all that favours an immunity from their pressure. But *all* such inclinations, leanings, dispositions, tendencies, are, when carried to the bench, and suffered to affect the conduct of the judge in whatever part of the cause he is trying, only soft expressions for that which the same men would shrink from were it called by its right name—*Injustice*. They are the views which it is very fit for advocates to put forward, very necessary for lawgivers to entertain, very becoming for the judge to cherish in his private capacity, as the independent citizen of a free country: But if they influence him ever so little on the seat of justice, they betray him into a gross breach of his duty, and a violation of the sacred trust which the law reposes in him. His duty, and his only duty, is to go straight forward, dealing with the facts, and pronouncing upon the law, as if he had neither opinions nor feelings as a man, nor had any concern in the

world, except with the particular merits of the individual question actually before him.

In a country circumstanced as ours is, with a most watchful bar and public, before whom every thing a judge does or says passes, and by whom it must all at the moment, and for some time afterwards, be unsparingly scrutinized, there is no reason to apprehend such perversions of the judicial office as sometimes disgrace the tribunals of other nations. Our judges are inaccessible to the private solicitations of parties; and no one would ever dream of asking a favour of them, much less of asking it with the offer of a return. In the great majority, therefore, of the cases that come before them, they are absolutely indifferent, and cannot possibly have a wish that one party should prevail rather than the other. Even in political questions, they are not likely to do any act of gross iniquity for the sake of one side; to determine for the government or for the subject, for the church or for the people, against the plain merits of the case. They will not invert the law as the judges did who tried Sidney and Russell—they will not murder men by the score like Jeffries—they will not try a cause in which they or their families have an interest of great magnitude, as was supposed to have been done about half a century ago: But they may, under the impression of party, almost unknown to themselves, and not easily perceived by the bulk of mankind, influence the course of a judicial investigation through all its stages, till at last the result is secured, without their interposition, by dint of many little advantages all flung into one party, and many little obstacles thrown the other way. The same judge would shudder if he were told that he had corruptly turned the scale the wrong way, and with a safe conscience would deny the abuse; but he would shrink back with dismay from the catalogue, were it faithfully presented to him, of all the remarks he had flung in—the looks he had given to the jury, the witnesses, the advocates—the things he had suffered one to do, and not another—the stress he had laid on some things, the lightness with which he had passed others over—the topics he had introduced savouring of his individual opinions and feelings, unconnected with the merits of the question;—from this sight he would start back, because he could not deny the exactness of the enumeration; and the whole items of the list, being put together, would show that they had decided the fate of the day. It is the duty of a judge, which, if he does not fulfil, he betrays his trust, to ascend the bench day by day, stripped of every passion and every feeling, but the vehement desire to do justice in each particular cause, as

if there were none other in existence, and as if he had no care for any thing beyond it.

We have seen with what a keen edge M. Courier lays bare the abuses of the government and the magistracy: His dislike of the aristocracy is still more marked, and leads him into much extravagance, and a good deal of unfairness: For, when the manners of the great of these times do not furnish him with sufficient food for bitter sarcasm, he goes back to the days and the court of Louis XIV., and deduces the fortunes and the rank of the existing nobility, from the vices of their predecessors. The violence with which these attacks were urged in a tract written against the base and senseless project of purchasing Chambad by subscription for the infant Duc de Bourdeaux, caused a prosecution, in which he was convicted and sentenced to fine and imprisonment. One of his topics, and which he handles with the most spirit, is the evils likely to arise in his district from the neighbourhood of a court, with all its vices and its follies. The following portrait of a professional courtier is clever, though a caricature.

‘ Ce sont là, mes amis, quelques inconvenients du voisinage des grands. Y passer est facheux; y demeurer est impossible, à qui du moins ne veut être ni valet ni mendiant. Vous seriez bientôt l'un et l'autre. Habitent près d'eux, vous feriez comme tous ceux qui les entourent. Là, tout le monde sert, ou veut servir. L'un présente la serviette, l'autre le vase à boire. Chacun reçoit, ou demande salaire, tend la main, se recommande, supplie. Mendier n'est pas honte à la cour; c'est toute la vie du courtisan. Dès l'enfance appris à cela, voné à cet état par honneur, il s'en acquitte bien autrement que ceux qui mendient par paresse ou nécessité. Il y apporte un soin, un art, une patience, une perséverance, et aussi des avances, une mise de fonds; c'est tout, en tout genre d'industrie. Gueux à la besace, que peut-on faire? Le courtisan mendie en carrosse à six chevaux, et attrape plutôt un million, que l'autre un morceau de pain noir. Actif, infatigable, il en s'endort jamais; il veille la nuit et le jour, guette le temps de demander, comme vous celui de semer, et mieux. Aucun refus, aucun mauvais succès ne lui fait perdre courage. Si nous mettions dans nos travaux la moitié de cette constance, nos greniers chaque année rompraient. Il n'est affront, dédain, outrage ni mépris qui le puissent rebouter. Éconduit, il insiste; repoussé, il tient bon; qu'on le chasse, il revient; qu'on le batte, il se couche à terre. *Frappe, mais écoute—et donne.* Du reste, prêt à tout. On est encore à inventer un service assez vil, une action assez lâche, pour que l'homme de cour, je ne dis pas s'y refuse,—chose inouïe, impossible,—mais n'en fasse point gloire et preuve de dévouement. Le dévouement est grand à la personne d'un maître. C'est à la personne qu'on se dévoue, au corps, au contenu du pourpoint.’

‘ La vertu semble avoir des bornes; cette grande hauteur qu'ont atteintes certaines âmes, paraît en quelque sorte mesurée. Caton et Washington montrent où peut s'élever le plus beau, le plus noble de tous les

sentiments, c'est l'amour du pays et de la liberté. Au-dessus on ne voit rien. Mais le dernier degré de bassesse n'est pas connue ; et ne meitez point ceux qui proposaient d'acheter des châteaux pour les princes, d'ajouter à leur garde une nouvelle garde ; car on ira plus bas ; et eux mêmes demain trouveront d'autres inventions qui feront oublier celles-là.

' Vous, quand vous aurez vu les riches demander chacun recevoir des aumônes proportionnées à sa fortune, tous les honnêtes gens abhorrer le travail, et ne fuir rien tant que d'être soupçonnés de la moindre relation avec quiconque a jamais pu faire quelque chose en sa vie, vous rougirez de la charrue, vous renierez la terre votre mère, et l'abandonnerez, ou vos fils vous abandonneront, s'en iront, valets de valets, à la cour, et vos filles, pour avoir seulement oui parler de ce qui s'y passe, n'en vaudront gueres mieux au logis.'

It must be confessed that our author, with all his abhorrence of courts and princes, has stated very candidly, and with his wonted sagacity, in the following passage, wherein the difference lies between the prince and the courtier.

' Nous voudrions bien avoir le Prince, mais non la Cour. Les princes en général sont bons ; et n'était-ce qui les entoure, il y aurait plaisir à demeurer près d'eux ; ce seraient les voisins du monde les meilleurs, charitables, humains, sécurables à tous, exempts des vices et des passions que produit l'envie de parvenir, comme ils n'ont point de fortune à faire. J'entends les princes qui sont nés princes ; quant aux autres, sans eux, eût-on jamais deviné jusqu'où peut aller l'insolence ? Nous en pouvons parler, habitans de Chambad. Mais ces princes enfin, quels qu'ils soient, d'ancienne ou de nouvelle date, par la grâce de Dieu, ou de quelqu'un, affables ou brutaux, nous ne les voyons gueres ; nous voyons leurs valets, gentilshommes ou vilains, les uns pires que les autres ; leurs carrosses qui nous érasent, et leur gibier qui nous dévore. De tout temps le gibier nous fit la guerre. Une seule fois il fut vaincu, en 1789 ; nous le mangeâmes à notre tour.'

In these and other unmeasured invectives against the higher ranks of society, or what is generally called the Aristocracy, there are some palpable inadvertences committed by our author, and by all indeed who have of late years adopted the same exaggerated tone, both in France and in England. First, with respect to the comparison so fondly instituted between these classes and the peasantry, it seems to savour more of romance than of accurate statement. That the middle classes are superior to the highest, in plain good sense, manly sentiment, and virtuous conduct, we may readily admit. Those classes are in truth never to be treated but with the greatest respect, except only when they make themselves at once contemptible and ridiculous by clumsy imitations of their superiors, whose graces and whose follies are at once above their reach, and beneath their notice. But upon the greater purity of the labouring classes, we certainly pause ; the

peasants of Touraine may be an exception to the rule ; and other exceptions may be found elsewhere ; but we do not believe that there is to be found more virtue, or so much, among the common people generally—of either England or France, as among the highest ranks in the state, those whom M. Courier stigmatizes as the most profligate. There can, however, be no reason why the peasantry and the artisans should not be as well informed upon ordinary matters, and as well conducted, as those placed above them in society ; and that they are rapidly advancing in improvement, each succeeding year's history in both countries abundantly testifies. But as yet they are below the higher ranks, and far below the middle classes, in moral as well as intellectual culture.

But we must object, upon other grounds, to the practice of inveighing against the privileged classes of the community. It is neither fair nor politic. Their situation certainly has a most unfortunate tendency to estrange them from the rest of society, to make them consider their interests as separate from, and opposed to ours. They have, whether we will or no, vast influence in their hands. Their wealth is a real, substantial source of power ; and *that* they must possess as long as the present fabric of society remains unchanged by such a convulsion as no one is visionary enough to expect, even if he were unthinking and unprincipled enough to desire it. Their rank, though a less substantial, is yet a certain cause of influence, and will continue to give them weight until the whole habits and feelings of men and of women shall be changed entirely, or rather created anew. May we, then, humbly be permitted to ask, what good purpose it can serve, either to reject this portion of society in our calculations, as if it did not exist, and therefore required no allowance or consideration ; or to show our sense of its existence only by such vituperation as can tend to no earthly end but making it our habitual antagonist ? If we go on with the never-ending cry, that the Aristocracy resists all good measures—thinks only of its separate interest—has no fellow-feeling with the rest of the country—cares for nought but itself, there is some risk of our repeated charges bringing about their own verification ; and the accusation may be much nearer the truth at the last than it was when first launched. How long would the virtue of most women endure, after all the world had saluted them with the appellation not to be borne by womankind ? How much longer would their worth survive their reputation, than the hour that temptation and opportunity came together ? There are symptoms, we greatly fear, of a similar process working a like downfall, in other than female natures ; and it might be as well for those, who, with very good intentions, have been so active in raising the outcry against our Aristocracy, to reflect,

that though we are fully justified in opposing its undue pretensions, and may succeed in confining them within just bounds, yet to destroy it, or reduce it to insignificance, is impracticable, even if it were desirable; and therefore, to alienate and exasperate it, is any thing rather than wise.

No parts of M. Courier's writings are more remarkable than those in which he bears testimony to the great improvements which France has received since and from the Revolution. This deserves the more attention, as being the evidence of one who is a severe and unsparing censor of all existing things; who writes under the dominion of the restored family, and bears that dynasty no good will; whose works, indeed, for the most part, were composed during the ascendancy of the ultra-faction, and who finds, as we have seen, so much to blame in the whole administration of affairs, ecclesiastical and civil. With every disposition to find fault, with the most acute sense of the oppressions inflicted by the Government, the Aristocracy, and the Clergy, we yet see him constantly admitting that, compared with the state of things before the Revolution, all is now happiness and perfection. Nor is it by assertions or admissions alone that this is proved; the contrast is most strikingly depicted in many very picturesque descriptions; and some of these we shall lay before our readers.

We begin with a remarkable passage which he cites from La Bruyere,—a sketch of the peasantry of France in ‘the good old ‘times,’—sometimes termed in this country ‘the olden time,’—the favourite era of poets and romancers.

‘On voit certains animaux farouches, des mâles et des femelles, répandus dans la campagne, noirs, livides, nuds, et tout brûlés du soleil, attachés à la terre, qu'ils fouillent et renuent avec une opiniâture invincible. Ils ont comme une voix articulée, et quand ils se levent sur leurs pieds, ils montrent une face humaine. En effet ils sont des hommes! ils se retirent la nuit dans des tanières, où ils vivent du pain noir, d'eau, et de racines. Ils épargnent aux autres hommes la peine de sémer, de labourer, et de recueillir pour vivre, et meritent ainsi de ne pas manquer de ce pain qu'ils ont semé.’

‘Voilà’ (pursues our author) ‘ses propres mots. Il parle des heureux, de ceux qui avaient du pain, du travail, et c'était le petit nombre alors. Si Labruyere pouvait revenir, comme on revenait autrefois, et se trouver à nos assemblées’ (he is speaking of the *holiday meetings of the peasantry*) ‘il y verrait non seulement des faces humaines, mais des visages de femmes et de filles, plus belles, surtout plus modestes, que celles de sa cour tant vantée, mises de meilleur goût sans contredit, parées avec plus de grâce, de décence; dansant mieux, parlant mieux leur langue (chose particulier au pays), mais d'une voix si joliment, si doucement articulée, qu'il en serait content, je crois. Il les verrait le soir se retirer, non dans des tanières, mais dans leurs maisons propre-

ment bâties et meublées. Cherchant alors ces animaux dont il a fait description, il ne les trouverait nulle-part, et sans doute bénirait la cause, quelle qu'elle soit, d'un si grand, si heureux changement.'

In another passage, M. Courier describes, in very strong language, the effects produced upon the peasantry by becoming proprietors; the kind of intoxication which the change excites,—and the hard labour to which it gives rise endured with all the zeal of a passion.—‘ Le peuple est d'hier propriétaire, ivre en-  
 ‘ core, épris, possédé de sa propriété ; il ne voit que cela, ne  
 ‘ rêve d'autre chose, et nouvel affranchi de même, quant à l'in-  
 ‘ dustrie, se donne tout au travail.’—‘ Dans le présent, ni dans  
 ‘ l'avenir, le paysan n'envisage plus qu'un champ, une maison  
 ‘ qu'il a, ou veut avoir, pour laquelle il travaille, amasse, sans  
 ‘ prendre repos ni repas. Il n'a d'idée que celle-là, et vouloir  
 ‘ l'en distraire, lui parler d'autre chose, c'est perdre son temps.’ These things are stated by M. Courier to account for the indifference of the peasants to religious matters; but it is a very superficial view of this important subject which he takes, when he argues, that the same people who were religiously disposed in their misery, because they had no other consolation, become careless of such comforts as their circumstances improve. The corruptions of their church may have revolted them, better informed as they now are; the hard work to which they so passionately devote themselves, may interfere with other duties; but it is not in sorrow alone, and under the weight of oppression, that the human mind naturally turns to the consideration ‘ of things unseen.’ It is a beautiful and a just remark of Prince Eugene, (or rather the Prince de Ligne has put it into his mouth,) that happiness always fills a good heart with religious feelings.

The abuses of the priesthood are often severely lashed by this author; and, besides the general topics which he handles against them, he gives some truly horrid examples of the evils resulting from their celibacy, and their functions in confession. Some murders of the most flagrant enormity are related, with a particularity which we dare not follow; and in one case the reader is left at a loss which to admire the most, the effrontery of the detected culprit and his professional brethren, or the supineness of the police in suffering his escape, or the superstitious credulity of the neighbouring Savoyards among whom the monster took refuge, and who regard him still as a saint, though aware that he is a murderer, whose atrocities, committed hard by, are almost without a parallel in any civilized nation. Nevertheless, even as to the Clergy, M. Courier is fain to admit, that, generally speaking, there has been a very great improvement since the Revolution. Thus, while complaining of the young zealots from

the Seminary, to whose conduct we have already adverted, he allows that they are ‘ irreprochables dans leurs mœurs et leur conduite’—‘ Car il ne se peut voir,’ says he, ‘ rien de plus exemplaire que leur vie;’ and he adds, ‘ Le clergé ne vit pas maintenant comme autrefois, mais fait paraître en tout une régularité digne des temps Apostoliques. Heureux effet de la pauvreté ! Heureux fruit de la persecution soufferte à cette grande époque où Dieu visita Son Eglise ! Ce n'est pas un des moindres biens qu'on doive à la Révolution, de voir non seulement les curés, ordre respectable de tout temps, mais les évêques avoir des mœurs.’ We shall add another passage, illustrating at once the improved condition of the people, and the good effects produced by the ecclesiastical reforms derived from the same era of 1789.

‘ Ce qui fait aussi que le peuple croit, c'est qu'en tout on vit mieux à présent qu'autrefois. On est nourri, vêtu, logé bien mieux qu'on ne l'était, et les mœurs s'améliorent avec le vivre physique. Moins de célibataires, moins de vices, moins de débauche. Nous n'avons plus de couvents : détestable sottise qui se pratiquait jadis, de tenir ensemble enfermés, contre tout ordre de nature, des mâles sans femelles, des femelles sans mâles, dans l'oisiveté du cloître, où fermentait une corruption qui, se répandant au dehors, de proche en proche, infectait tout. Dieu sans doute ne permettra pas que ceux qui, chez nous, veulent rétablir de pareils lieux d'impureté, réussissent dans leurs desseins. Nos péchés, quelque grand qu'ils soient, n'ont pas mérité ce châtiment ; notre orgueil cette humiliation. Il en faut convenir pourtant ; ce serait une chose curieuse à voir parmi ce peuple actif, laborieux, dont chaque jour l'industrie augmente, les travaux se multiplient, et dont par conséquent la morale s'épure, car l'une suit l'autre ; ce serait un bizarre contraste, qu'un milieu d'un tel peuple, une société de gens faisant von publiquement de fainéantise et de mendicité, si l'on ne veut dire encore et d'impudicité.’

‘ Parmi les causes (our author continues, sarcastically) d'accroissement de la population, il ne faut pas compter pour peu le repos de Napoléon, depuis que ce grand homme est là où son rare génie l'a conduit. S'il eût continué de l'exercer, trois millions de jeunes gens seraient morts pour sa gloire, qui ont femme et enfants maintenant ; un million serait sous les armes, sans femme, corrompant celles des autres. Il est donc force, en toute façon, que le peuple croisse ; aussi fait-il, ayant repos, *bien et cherance*, peu de soldats et point de moines.’

All fear seems now at an end of the consummation which M. Courier was apprehending from the ominous ascendant of the Ultras and the Jesuits, when he wrote this passage. Had he lived to see the more fortunate, because tranquil and moderate, change of system which has lately taken place, he would gladly have acknowledged that there is little reason to dread the restoration of dark and superstitious times, or to regret the mighty

warrior whom his old companion in arms loses no occasion of attacking with his keenest satire. The influence of public opinion, the honest and independent sentiments of a great and enlightened nation, have at last acquired their due weight in determining the course of the government; and France is now ruled by a court and a ministry, which evince the sense they entertain, that, as their power depends upon the people, it must be exercised in conformity with the popular voice.

We shall close this article with one more extract: it is of a passage singularly impressive, and containing truths of deep import, maturely to be weighed both by the rulers of French people, and by their neighbours. If the feelings and the capacities which the author describes, are kept within due bounds, and never suffered to seek vent in furthering the ambitious projects of their chiefs, or gratifying their own love of national glory, it is well. But we earnestly hope that the friends of liberal opinions in this great nation will never cease to bestir themselves against war; will be instant in season, and out of season, in subduing all lurking remains of that unhallowed spirit, and leading them to the real glories of peace.

'Ces gens,' (says M. Courier, speaking of Napoleon's guards and their famous saying,) 'ces gens qui tant de fois ont juré de mourir; ces gens toujours prêts à verser leur sang jusqu'à la dernière goutte pour un maître chéri, une famille auguste, une personne sacrée; ces gens qui meurent et ne se rendent pas, sont de facile composition, et vous les savez bien.' (He is addressing the ministers of the Holy Allies.) 'Mais il y a chez nous une classe moins élevée, quoique mieux élevée, qui ne meurt pour personne, et qui, sans dévouement, fait tout ce qui se fait, bâtit, cultive, fabrique, autant qu'il est permis; lit, médite, calcule, invente, perfectionne les arts, sait tout ce qu'on sait à présent, et sait aussi se battre, si se battre est une science. Il n'est vilain qui n'en ait fait son apprentissage, et qui là-dessus n'en remonte aux descendants des Duguesclins. Georges le laboureur, André le vigneron, Pierre, Jacques le bon homme, et Charles qui cultive ses trois cents arpents de terre, le marchand, l'artisan, le juge, l'avocat, et notre digne vicaire, tous ont porté les armes, tous ont fait la guerre. Ah! s'ils n'eussent jamais eu de grand homme à leur tête—Sans la troupe dorée, les comtes, les ducs, les princes, les officiers de marque—si la roture en France n'eût jamais derogé, ni la valeur degénéré en gentilhommerie, jamais nos femmes n'eussent entendu battre vos tambours !

'Or ces gens-là et leurs enfants, qui sont grandis depuis Waterloo, ne sont pas chez nous si peu de monde, qu'il n'y en ait bien quelques millions, n'ayant ni manières de Versailles, ni formes de la Malmaison, et qui au premier pas que vous ferez sur leur terres, vous montreront qu'ils se souviennent de leur ancien métier. Car il n'est alliance que tienne; et si vous venez les piller au nom de la très sainte et très indi-

visible Trinité, eux, au nom de leurs familles, de leurs champs, de leurs troupeaux, vous tireront des coups de fusil ! Ne comptant plus pour les defendre, sur le génie de l'Empereur, ni sur l'héroïque valeur de son invincible garde, il sprendront le parti de se defendre eux-mêmes ; facheuse resolution, comme vous savez bien, qui déroute la tactique, empêche de faire la guerre *par raison demonstrative*, et suffit pour déconcerter les plans d'attaque et de defense le plus savamment combinés. Alors, si vous êtes sages, rappelez vous l'avis que je vais vous donner. Lorsque vous marcherez en Lorraine, en Alsace, n'approchez pas des haies, évitez les fossés, n'allez pas le long des vignes, tenez-vous loin des bois, gardez-vous des buissons, des arbres, des taillis, et méfiez-vous des herbes hautes ; ne passez pas trop près des fermes, des hameaux, et faites le tour des villages avec précaution ; car les haies, les fossés, les arbres, les buissons, *feront feu sur vous*, de tous côtés, non feu de file ou de peloton, mais feu qu'ajuste, qui tue ; et vous ne trouverez pas, quelque part que vous alliez une hutte, un poulailler qui n'ait garnison contre vous. N'envoyez point de parlementaires, car on les retiendra ; point de détachements, car on les détruira ; point de commissaires, car—Apportez de quoi vivre ; amenez des moutons, des vaches, de cochons, et puis n'oubliez pas de les bien escorter, ainsi que vos fourgons. Pain, viande, fourrage, et le reste, ayez provision de tout ; car vous ne trouverez rien où vous passerez, si vous passez, et vous coucherez à l'air, quand vous vous coucherez ; car nos maisons, si nous ne pouvons vous en écarter, nous savons qu'il faut mieux les refaire que les racheter—cela est plutôt fait, coute moins. Ne vous rebutez pas d'ailleurs, si vous trouvez, dans cette façon de guerroyer, quelques inconvenients. Il y a peu de plaisir à conquérir des gens qui ne valent pas d'être conquis, et nous en savons des nouvelles. Rien ne degoute de ce métier comme d'avoir affaire aux classes inférieures. Mais ne perdez point courage. Car si vous reculiez, s'il vous fallait retourner sans avoir fait la paix ni stipulé d'indemnités, alors, alors, peu d'entre vous iraient conter à leurs enfants ce que c'est que la France en tirailleurs,—n'ayant ni héros ni pequins.'

ART. III.—*Report from the Select Committee of the House of Lords, appointed to take into consideration the Laws relating to Game, 1828.*

**P**OPE GREGORY X., when warning our Edward I. from crossing over to a tournaement in France, protests generally against these ‘ juveniles Ludi, qui procul dubio, tanquam noxiī, non debent dici Ludi, nec possunt : ex quibus tot animarum et corporum pericula subsequuntur ! ’ If a pope condescended thus to moralise on a familiar expression, surely the loss of life

and morals, for which the Game Laws are accountable, may well entitle us to question the decency of continuing to apply the word *Game* to a subject, which produces more quarrels amongst gentlemen, and more violence and crime amongst their inferiors, than any other that can be named. Under whatever historical circumstances the animals so described acquired this *cognomen*, and however deep our country-sympathies may be, yet every humane person, who can ever hope to find honourable amusement in what are still called Field *Sports*, must resolve, at least in-doors, to take the question up in earnest.

The comparative faintness with which freedom of enquiry and public opinion have ever acted upon the rural population, makes it doubtful, whether ancient mythology was not mistaken in supposing that Astraea, after she had given up the towns, lingered amongst them before she finally took her leave. It is certainly a theory, which a comparison of crime and poors' rate, as exhibited in the respective returns of our most agricultural and most manufacturing counties, sufficiently refutes at present; and which would never have risen upon the morning walks of a feudal poet. It is worth while to trace the progress of our present fanaticism in respect of game : for its pedigree does not rank very high, among the splendid follies of our race. The gentlemen of Greece and Rome managed to get on very well without two things which came in with the northern barbarians, and which some of their descendants seem ever since to have held necessary to the good order of society,—Duels and Game Laws. Modern times will not think worse of the unsportsmanlike method anciently in fashion, and mentioned by the Psalmist as ‘the snare of the *fowler*,’ than of the epithets by which Plato and Sallust deprecate as servile the hunter passion and occupation, which have in Europe been for some centuries considered almost the characteristic of a freeman. Barbarian manners had so far impregnated the Legislature of the West, that the Theodosian code, (A. D. 438,) when the Western Empire was tottering to its fall, infested the miserable provinces by an order more savage than the creatures whom it thus reserved for the amusement of the prince and his companions. By an absurdity, in contradiction even to the fashions brought in by the caprice of their invaders, this reservation was confined to *ferocious* animals. But the more polished government of the East retained its ancient and wiser rules. Accordingly, a century later, no trace crept into the Institutes of Justinian, of a notion of any privilege or restraint, beyond that which prohibits a hunter from availing himself of his pursuit as a plea for trespassing upon the ground of another without his leave. The contemporary laws promulgated by the

barbarians on their own account recognised, indeed, the general principle of a hunter tribe, (which Rome never passed, and France still verbally abides by, in the height of their greatest civilisation,) that the property in wild animals, wherever killed, belongs to him who kills them. Yet even at this singular epoch in the history of mankind, we find that the Burgundians, far from anticipating the time when the trap would be avowedly set for the hunter, and not the prey, made those who set spring bows for game, without proper notices and marks by which they might be avoided, answerable for all the mischief that should ensue.

But to come home. From the picture that Caesar draws of England, on his first discovery of it, the only debate that could then take place among the natives upon this subject, must have resembled a quarrel about a hunting-ground, between two bordering families in the back settlements of America. Afterwards, as was natural in a country not half cleared and settled, there seems to have been no restraint upon hunting anywhere among the Britons: For the Cambrian lawgiver, (whom we may suppose to have compiled the earlier traditions of his stiff and stationary race,) Hoel Dha, speaks of three sort of birds only (such as were chosen, by their size, for the hawk to fly at) which it was not lawful to kill on another man's property. Society, however, got so far established under the Saxon government, that, after the Continental model, Royal Forests were introduced. They were considered so peculiar, as to be left apart in all calculations of the national territory; and they are mentioned as belonging to, rather than as being within, the kingdom of England. Modern planters of gorse covers will, perhaps, be surprised to find, that Canute, even in his day, classed the wolf and the fox together as common nuisances and outlaws, against whom every man's hand ought to be raised, save when within the shelter of a royal forest. Elsewhere, the right of every individual to hunt on his own land, is expressly recognised by law; while provision is occasionally made for securing the exclusive enjoyment of private property against all intrusion. There is a charter dated 821, from the King of the Mercians to the abbey of Abingdon, by which all persons carrying hawks or falcons are forbid to trespass on the lands of the monks.

The change wrought by the Norman conquest, did not derive its peculiar character so much from any new views brought over from Normandy, concerning game or Game Laws, as from the terrible policy of a general depression and prostration of the ancient inhabitants, the degradation of whose condition was the

only foundation upon which these bold adventurers could hope to establish a permanent dominion. The discouragement and disuse of arms, in the hands of the natives, was the end; the prohibition of hunting was only one among many means. The former seems, indeed, to have been the common-law doctrine of the swarms that sallied from the northern hive: For, in the feudal constitutions, the *rustici* or natives are prohibited from carrying arms in general, and also from the use of engines for destroying game, by one and the same law. A system originating in this manner, in the jealousy of two hostile races, (the conquerors and the conquered,) would naturally remain, in another shape, as long as the derivative distinction prevailed between the villein and the freeman. How bitterly this restriction pressed upon the feeling of the common people, is evident, by the prominence given to it among the grievances which led to the three great insurrections of the peasantry, in England, France, and Germany. In the dialogue which Knyghton relates as passing between Richard II. and Wat Tyler, freedom of the chase is insisted on as one of the two great reformations, which the popular leader considered the necessary consequence of enfranchisement—‘Et stagnis piscariis, et boscis, et forestis feras capere; in ‘campis lepores persequi;’ A. D. 1381. A century and a half later, the same discontent broke out in Germany, A. D. 1525; which was only appeased at the expense of 50,000 lives. ‘Agricolae pro-‘currebant in aciem, quasi vellent occidi.’ Not only were they forbidden to kill game at all, but even to drive them out of the lands whose crops they were destroying. The ballad of the ‘Wild Huntsman’ might well be popular. Among ourselves, the sense of this disqualification was evidently identified with the state of villenage, as its limit, principle, and test, with which, accordingly, it would expire. In any just investigation, therefore, concerning the policy and practice of the old English law in regard of animals of chase, or *ferae naturae*, this part of the case must be put on one side. The circumstances under which two portions of an ill-cemented and jealous people were unfortunately kept in collision and irritation upon this and other points, belongs to another of the melancholy chapters of the ill-fortune of mankind. It is a part, so far, of the ruffian code of their ‘Englescherie’ and ‘mere Hibernici’ distinctions. A comparison of the ancient and modern system of Game Laws, solely in the light of Game Laws, has nothing to do but with their principle and operation, as bearing upon the class which then existed as such, and which now alone exists—the class of freemen.

There can be no greater example of the obstinacy with which

we prefer waiting till necessity batters down our door, rather than open it at the voice of reason, than that two of our most popular and moderate writers should have so long ago appealed to reason upon this question, and appealed so entirely in vain. Paley instances ‘especially the Game Laws,’ as illustrating the maxim, ‘That a law being found to produce no sensible good effects, is a sufficient reason for repealing it, as adverse and injurious to the rights of a free citizen, without demanding specific evidence of its bad effects.’ Blackstone, however, whose profession brought him more directly in contact with the practice as well as letter of the law, undoubtedly had sufficient evidence even of these effects, when, after mentioning that the Forest Laws had become mitigated and obsolete, he adds, ‘ Yet from this root has sprung a bastard slip, known by the name of the Game Laws, now arrived to and wantoning in its highest vigour : both founded upon the same unreasonable notions of permanent property in wild creatures, and both productive of the same tyranny to the commons : but with this difference, that the Forest Laws established only one mighty hunter through the land ; the Game Laws have raised a little Nimrod in every manor.’ There can be no disputing, that the evil here alluded to has gone on, with almost daily aggravation, since Blackstone wrote, now fifty years ago ; and the time seems come at last when we *must* attend, however reluctantly, to some reform on this nervous subject. The lawyer and the philosopher are now backed by still more powerful remonstrants. It is at last acknowledged, that grapes will not grow upon the bramble. Two committees of the House of Commons, and one of the House of Lords, (with Colonel Wood 1816, Lord Salisbury 1823, and Lord Wharncliffe 1828, for their respective chairmen,) have since reported. The Sheriff and grand Jury of the county of Lancaster in 1826, and the magistrates of Hampshire at their last Quarter Sessions, have since petitioned. They all unite in calling on government and the legislature to interfere, and in intreating them to put the law in some concord with the interests and feelings of the people.

Historically, we do not, as will soon appear, agree with Blackstone, that the present principle of the Game Law is the same as that of the Forest Law. The Forest Law was a strict prerogative royal, and confined within the royal forests. Instead of being derived either from it, or from the contemporary common law, or law between subjects, which last the present system has displaced, we believe it to be on the whole a great deal worse than either, taken at their worst : For neither ever professed to make game permanent property ; the Forest Law and the Common

Law alike made it qualified property; one, by title of privilege of franchise, the other by reason of ownership of soil. The foundation of our great error (the denial of the right of sale) was laid in the abandonment of that original and reasonable principle, for the anomaly and the insolence of the disqualification laws,—that dare not call game absolute property, and that yet in reality make it something more—a legal puzzle in which every thing is mystified, but the injustice.

After taking some pains with the materials within our reach, and endeavouring to ascertain what would be the necessary or probable consequences from the state of law and society, during the periods most distinctly marked, we feel afraid, that there never has been a century in our history when the Game Laws, as Game Laws, were chargeable with so much mischievous perverseness as during the last. It is also clear, that, every year whilst they remain unchanged, they must bear the burden and the curse of being the cause of more extensive personal and national oppression. The feudal, or common law system, (notwithstanding the act of Richard II. so often cited to the contrary,) seems to have practically lasted till the reign of James I., we believe we might say till Charles II. Upon a comparison of all the circumstances, our modern course appears much less excusable. It has less pretext of public policy: For, instead of preventing idleness, combination, and insurrection, it is a most fruitful source of the two first; and has raised in England an armed force in such open hostility to the law, that there are two or three of our counties, which, had they been Irish instead of English, would probably ere this have been proclaimed. It has less apology on the ground of amusing our seigneurs in their halls. Surely the country, with its georgics, is not at such a discount; nor our gentlemen left there with this solitary resource. The Book of St Albans ‘concerning Hawking, Hunting, and Armory,’ (one of our earliest specimens of print and female poetry, by Lady Juliana Berners, the prioress of Sokewell,) was reprinted at the latest possible day for practical purposes, in A. D. 1595, with the additional title of ‘*The Gentleman’s Academy*,’ whose complete course of education was thus signified to be contained within its school. This pursuit then had a learning of its own almost as technical as Coke upon Littleton: And undoubtedly, its professors flattered their self-consequence in the false derivation of a word, (arts and mysteries: *sc. arti et mestieri*,) when they called their silvan science ‘the mysteries of woods and rivers.’ All chivalrous delusion in this respect has, however, vanished, before the simplicity of a pack of fox-hounds, and a dog

and gun. But the great interests of society, of politics, science, and literature, are thrown open in their stead ; the moral and intellectual excitement of the metropolis is brought to their breakfast table : they themselves have learned to write and read, which, spite of Elizabeth's example, some of Edward the VI.'s nobility could not manage. We raise and transmit them regularly from London, food for the mind, in exchange for the victuals they send us for our bodies. If a Sir Roger de Coverley is still extant, the Will Wimbles of the present day will scarcely find Baker's Chronicle the only book in his parlour window. No fair necessity can be said, therefore, to exist, why we should sacrifice the happiness of the community to the hopes of finding employment for their vacant hours.

With regard to the principle upon which the modern law is founded, it is, on one hand, much more opposed to the general rights of property ; and on the other, to that obligation with which all property is charged in behalf of the community. The ultimate interest of the commonwealth, indeed, is the only sound title on which the institution of private property can rest ; and in proportion as it administers to that interest, so far, and so far only, does it deserve, or can in the end obtain, consideration and protection from any wisely-governed people. The waste of agricultural produce rises, of course, with the number of hares and pheasants, and with the improvements in agriculture which, *pro tanto*, they must discourage. This is, however, a very insignificant part of the subject. Game may for this purpose be looked on as a kind of wild poultry, fed only in a random and careless way. The real hardship is, that the law feeds it at the expense of one man for the benefit of another ; and under the sanction of legislators, whom the small freeholder would send to Nathan the Prophet for a lecture, it is the poor proprietor, whose humble interest is served up as a mouthful at the feast of his wealthy neighbour. By the forest and common law, in their fiercest state, the owner of adjoining land (even of forest purlieu) was allowed to take and kill the deer or other game which set foot upon his soil. The denial of this right, which is the basis of the present system, would have been looked on by our ancestors, in their struggle against the extension of forest boundaries, as stretching one of the worst qualities of afforestation over every acre in the kingdom. It is idle to take a distinction, on the fact that the squire cannot come on the land of another after notice to desist, without being a wilful trespasser. The farmer, who cannot himself touch hair or feather, must of course look as much to the help of his qualified neighbours against

pheasants, as his wife, on behalf of her poultry, for their protection from the foxes.

In respect of the execution of the present laws by their ordinary tribunals, it is liable to at least equal suspicion. No forest trespassers ever felt more misgivings against the impartiality of the Justice of Eyre, or of the Jury of Foresters in their swaynmote, than a modern poacher entertains of the single Justice, or the Bench, before whom he is called up. Not very long ago, at a Norfolk Quarter Sessions, all the prompting of 'God 'and my country' could scarce extort from the prisoner any other answer to the question, 'How will you be tried?' than the too natural one, 'By my Lord Judge.' But the havoc thus made of the well-being of the lower orders is worst of all. When the irresistible causes that are at work are taken into consideration, it is very improbable that so heavy a proportion of the aggregate crime of the country could ever before be placed to the single account of game. In no one year, under Forest Law and Statute of Westminster together, do we believe that half the penalties were levied, or half the number of Englishmen put in prison, for such offences. We purpose no apology for the heartlessness which sacrifices the happiness of others to one's own amusements, however long ago. The devastating sword which planted the New Forest, makes converts even now to that Saxon theory of special providences, which saw in it the place where God took judgment on the Norman line. There is enough to account for the strong feeling that pervades our early chronicles. The recollections of that tragedy were of a kind that last; and, in an exclusion, so full of suspicion and of insult, from the single pleasure of a barbarous age, the humiliation of their subject condition would be most constantly and painfully present to them. Besides, independent of all such considerations, these provisions deserved Burke's condemnation of them on their own score. They had the qualities of the worst of laws — '*a trivial object, and most severe sanctions.*' In order, however, to avoid the charge of mere bold and general assertion, we must enter more into particulars, so that we may observe, for the purpose of our comparison, the utmost extent of mischief which they could occasion, and also the possible policy and advantages proposed by them.

The questions arising from the forests, and their peculiar jurisdiction, lay between the Crown and the Subject generally, especially those subjects whose lands adjoined. The ordinary franchises of chase, park, and warren, had nothing to do with the Forest Law; and were merely so many royal grants, by which the

great landholders were privileged to appropriate certain specified places for the preservation of game, (peculiar sorts being originally set apart for each,) to the exclusion of the rest of the community. Whatever of England was not comprised within these respective limits, was as much then by law the exclusive property of its owner, as at the present day, and as much protected against the grantee of such franchise as against any other trespasser. If any indulgence prevailed in a state of things, when it could be scarce ever worth the while of a general owner to enforce the law, it applied equally to all. As far as the mischief depends on the space thus occupied, the number of forests was sixty-eight; Henry the Eighth afterwards adding that of Hampton Court, under authority of Parliament. The fever, kept up by harassing encroachments, beyond their metes, for a century, was laid to rest by the *Ordinatio Forestiae*, A. D. 1305, whose perambulations were not disturbed afterwards, even verbally, till the insane experiments of Charles the First. An abuse of the Forest Laws unfortunately seemed to offer the possibility of a revenue that might stave off Parliament. His attempts to extend the boundaries of Waltham Forest, &c. and to levy fines, such as had been before unheard-of, (for Hume would find no Tudor precedent in this behalf,) compelled Parliament peremptorily to interfere.

In respect of policy, the idea of securing the southern coast from the presence of a discontented people, in case of a descent similar to his own, may have been as strong a motive with William the First to the original establishment of the New Forest, as he doubtless found in its vicinity to his court at Winchester. The summary discipline of the Forest Laws would be also naturally relied on for hunting down the rebellious natives in these their last retreats, in an age when the poachers who preceded Robin Hood would be, not merely individual freebooters, seeking the purses of the barons, but patriots flocking together against the oppressors of their race. The hunting excursions of the peasants must have been then regarded with the same suspicion as was afterwards manifested towards the tournaments of the nobles, as furnishing only an excuse for conspiracies. This probability seems heightened by a singular complaint, made four centuries later, by so very reasonable a man as Davis, writing an admirable book for a reasonable age, in reference to the very similar case of the English settlement in Ireland. ‘ Again, if King Henry the Second, who is said to be the king that conquered this land, as he did enlarge the forests in England, (for it appeareth, by ‘ *Charta de Foresta*, that he afforested many woods and wastes,

' to the grievance of the subject, which by that law were disafforested,) or, if those English lords amongst whom the whole kingdom was divided had been good hunters, and had reduced the mountains, bogs, and woods, within the limits of forests, chases, and parks, assuredly the very Forest Law and the Law *De malefactoribus in parcis* would in time have driven them into the plains and countries inhabited and manured, and have made them yield up their fast places to those wild beasts, which were, indeed, less hurtful and wild than they.. But it seemeth strange to me that, in all the records of this kingdom, I seldom find any mention made of a forest, and never of any park or free warren, considering the great plenty of vert and venison within this land, and that the chief of the nobility and gentry are descended of English race; and yet, at this day, there is but one park stored with deer in all this kingdom, which is a park of the Earl of Ormond's, near Kilkenny.' (Historical Tracts by Sir J. Davis, p. 124.)

The number of free chases is said to have been only thirteen ; that of parks seven hundred and eighty-one. Their number, however, must have varied as long as the Crown found grantees who thought it worth their while to ask for them ; and there is a proviso, in acts both of Elizabeth and James, that the acts shall not extend to any parks made without royal license. The number of warrens seems not to have been calculated ; whilst the Hundred Rolls (*Rotuli Hundredorum*) swarm with *quo warranto* presentments against persons claiming free warren, but under what title the inquest cannot find. The slumber of this prerogative can have very seldom been broken in upon in modern times. However, Lord Hardwicke, when Attorney-General, granted an information, on the ground of private usurpation of franchise, against a person, for making that species of warren into which all others have dropped, a warren for rabbits. There is no pretence for any public policy in these franchises, except as far as it is coincident with that of forests. It probably had no origin beyond an assimilation to the rules and manners of the Continent, and their constituting a mark of gentility, by connecting the diversions of the great with the gift and title of a royalty. The object of such a franchise is intelligible enough in France or in Holland before the Revolution, where, until 1790 and 1795 respectively, nobody could hunt at all who had not obtained the right by the special favour of the sovereign.\*

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\* Vanderlinden's Institutes of Holland, p. 115.

But it is not so easy to comprehend why our great men should have been, in the first instance, at the cost of taking out these nominal franchises, when the law of England was as express as that of Spain,\* that, ‘ wild beasts, &c. are the property of him who takes them ; and they can be taken, not only ‘on one’s own property, but on that of another, unless the owner forbids the entry thereon.’ The only explanations which occur in the law books seem weak, and indeed contradictory ; and some of the early cases are not a great deal less confused than modern acts of Parliament on this bewildering subject. One reason given by Coke is a pathetic suggestion in favour of the wild beasts themselves; sc. That nobody can be entitled to restrain them of their natural liberty without authority from the king ! Manwood, on the other hand, speaks of these favoured districts, as privileged places for their peace and safety ; ‘ a ‘sanctuary also for all manner of wild fowles !’ a disturbance whereof (*in terrorem ferarum*) is a kind of violation of the king’s safe-conduct. A third argument declares, that the protecting and cherishing these creatures, which are said to be common nuisances, from the spoil they make, is an annoyance to a neighbourhood that none can justify without the royal sanction. If the two first of the above topics are more like poetry than prose, the last has as little law in it as the others have of sense ; for, the crown has not in itself, and therefore cannot give to its assignee, a right to use its property as a nuisance.

In the same degree as the apparent object of these franchises is insignificant, they become harmless and almost unobjectionable in their effects upon the public. Not only were they limited in number and range, but the advantages they bestowed were very unimportant. The difference is almost imperceptible between the right by reason of privilege, and that by reason of ownership of soil, (*ratione privilegii et ratione soli*), and no franchise could be ever granted to any one, except on his own soil. One of the chief flowers of privilege being, that the keeper of a warren, &c. may shoot a dog trespassing within his warren ; whereas, the owner of a field, or the keeper of a manor, has no such right. Another seems to be, that, if a stranger chases game out of a forest or a warren, and kills it beyond the bounds, the property in it is not changed by the act of the wrong-doer, but still remains in the owner, by privilege ; whereas, in the case of mere private grounds, although game that is both started there by a trespasser, and killed there too, belongs to the owner of the

\* Institutes of the Civil Law of Spain, 99.

soil ; yet, by a strange anomaly, if he chases it into the field of another man, and kills it there, the wrong-doer is allowed to divest the title derived from ownership of soil by passing over the hedge, and to acquire a property in his spoil by his own wrong. However, so little was the favour shown in other respects to these privileges by the law, that the property in game, when once clear of his franchise, remained in the grantee only in the case of a direct misfeasance by the party who got possession of it. It was held, even in purlieu, and against the crown, that the adjoining freeholder, by whose nonfeasance in neglecting to repair his fence a deer came over into his freehold, was nevertheless authorized immediately to seize on it, as out of bounds. This is one of a hundred instances, which establish, that every one in point of law might originally hunt on his own ground. It is also probable, that, in point of fact, very little notice was ordinarily taken at that day of the trespasses of a sportsman, except within these privileged places, which were the preserves of that period.

That such a trespass was in strictness *always* actionable, when committed in pursuit of animals set apart for pleasure, is reasonably assumed, 2 Bl. Rep. 900 ; though on this antique distinction, that a fox was a beast of prey, it was left for the good sense of Lord Ellenborough, so near London as Hertfordshire, and in the year 1809, to rule that the hunter, in the latter case, must show, not only that he was hunting down the noxious animal for the good of the commonweal, but that he had the consent of the person on whose land he came. The exception vainly urged upon him, in favour of ‘the amusements of gentlemen who chose to hunt vermin for their diversion,’ does not appear, however, to have been so much ‘new’ as obsolete—since Manwood, speaking undoubtedly the opinions of his age on the subject, of which he is the principal authority, says expressly, that if the purlieu man (who, in this respect, differs from no other proprietor,) ‘begin hunting a beast of the forest on his own lands, he may pursue his hunting through any man’s woods or lands, so as he doth not enter any forest, chase, park, or warren.’ The absence of all early cases, but cases of privilege, leads one to infer that the rest of the country was practically open to all the world ; that world, in the then state of roads and of society, being the immediate neighbourhood only. In case of dissatisfaction, the single remedy, that of a civil action, is not, it must be admitted, the most agreeable prescription for a suffering patient, in the *materia medica* of the law ; so that, unless the comparative price of law and that of partridges varied very much from present proportions, or unless the proprietor

had an irresistible desire to figure in the year-books, such a remedy would probably appear to him as worse than the disease.

There is a notice by Lord Coke of this insufficiency of the common law protection, and of the supplemental terrors of fine and imprisonment, which the Lords obtained under the act, 3d Ed. I. Considering the object of that act, and that the word 'vivaries' would seem to comprise a place, whether land or water, for live creatures, it is a remarkable instance of strict construction, that its application should have been confined to parks, in exclusion of chase as well as warren. Part of this passage is a proof of the feeling, too natural not to be traditional, which has always existed regarding this offence. It contains also another specimen of the political economy, by which Coke seeks to explain how the crown came originally in possession of the prerogative of granting to certain of its subjects that exclusive right of *preserving* game, whence Blackstone ingeniously inferred, that an exclusive right of possessing and taking game must have pre-existed in the crown. 'The cause of making 'the 3d Edward I. c. 20, was, that, by common law, plaintiffs in trespass, as in other cases, should recover no other damages but according to the quality of the trespass; which the plaintiffs for trespass in parks and vivaries esteemed at a high rate, but the country commonly found the damages very small; for the common law gave no way to matters of pleasure, (wherein most men do exceed,) for that they brought no profit to the commonwealth, and therefore it is not lawful for any man to erect a park, chase, or warren, without a license under the great seal of the king, who is pater patrie, and the head of the commonwealth.'\* Coke may well call this statute very penal; for although Richard I. had voluntarily relinquished the savage mutilations of the Forest Laws, and although the *Carta Foresta* had tied the king down to one year's imprisonment in the case of trespass in his forests, the barons exacted two years additional from the trespasser in their parks. Whatever power of slaying offenders who would not surrender themselves was given under 21st Ed. I., *de malefactoribus in parcis*, lords of manors have enjoyed against night poachers, ever since 4th W. III, c. 23, throughout their whole manor.

Meanwhile, the importance with which these garrisons were guarded, would naturally attach something of consequence to whatever creatures of forest, chase, park, or warren, were strag-

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\* 2d Inst. 199.

gling about the country in an unprivileged and disfranchised state. A gradual tenacity in enforcing the exclusive enjoyment of one's own, in its minutest details, would keep growing with the progress of property, under the improvements of each succeeding age. As civilisation advanced, the idea would be more and more confirmed that the interest in game was not merely a point of honour, or a legal nicety, but a thing of positive value. Its presence on a given plot of land would be taken not alone as a title by law, under the head of special property, shifting with its change of place, but as evidence of a claim which every year would make more intelligible, from the fact of its coming in for a greater share of the fruits of the labour of the land-owner. On the other hand, the sportsman, like the gleaner, would, by long connivance, have almost deceived himself into the idea of a prescriptive right: And when the struggle came to a crisis, the general doctrine of the common law, evidently before assumed to be sufficient, was found too slight. The first express statute in aid of the unprivileged 'owner, or 'possessioneer,' is that of Hen. VII. c. 17., when this ungracious prince, whose best title was that of the 'poor man's friend,' gave him also, without any restriction as to qualification, the farther remedy of a penal action. The penalty of L.10 was imposed on any one who should take partridge or pheasant on another's freehold, without his license. Previously, the great proprietors, to whom the Parliamentary legislation, in this respect, would be left, had interposed a particular enactment or two of the same sort, in behalf of two favourites of those times—hawks and swans; but they had no interest in meddling with the general question of Game, and in providing the ordinary freeholder with any cheaper instrument of protection. Their privileged places answered every purpose of their own: And thus, for some centuries after the conquest, as well the restraint and severity, as also the benefit of the Game Laws, were confined within a narrow compass. For in all cases where the law gives a right in words, it is guilty of a fraud, if it does not accompany that right with an efficient remedy.

If Time is always the great innovator, at no period were the consequences of his prior and unnoticed innovations more ready to break out, and recast the mould of society according to its new powers and new principles, than in the reign of James I. The pause and the delay, when one looks back upon the parties, seem scarce accountable in any other way than by one of those concessions mentioned in the Old Testament, where the impending sentence is not carried into execution in the time of an erring king himself, but put off for the days of his poste-

rity. However, among all his struggles against the tide, and, notwithstanding the Attorney-General reproached a deer-stealer with ‘his offence being the greater, in regard the King had but ‘one darling pleasure, and yet he would offend him in that,’ James I. appears to have discovered, that, whilst he was pulling down houses in Lincoln’s Inn Fields, to stop the growth of London, yet neither profit, power, or pleasure, but a mere unmitigated and gratuitous odium, would attend the enforcement of the forest jurisdiction. An *iter* to the south or north of Trent would have been followed with curses loud, perhaps, as well as deep. The rangers and keepers were, accordingly, allowed to drop to the tranquil insignificance of a corner in the Court Calendar, and pretty houses in the parks; and Lord Lowther reigns at present (much to our surprise) over the woods and forests, without the public dreading in him the nuisance of a second Noy. Our great men, in the same manner, finding that their former franchises were become only odious and embarrassing distinctions, keep them alive merely upon parchment. Every possible advantage which they could contemplate by them is covered by the new code which has risen up within the last two centuries, and which, instead of being confined to a few particular cases, penetrates through and embraces the whole kingdom.

We are far from complaining that the old common law, upon this subject, has given way to statutory regulations; for we are satisfied that a change was absolutely required. There are signs enough in the preambles to earlier statutes than the 23, c. 2., that the time was past when game, except in a few privileged places, could be treated in effect as common; and yet it was left so, to all intents and purposes, as long as satisfaction against any one who chose to commit a trespass to obtain it, could be only recovered by an expense considerably beyond what the thing was worth. No reasonable objection, therefore, can be taken to the *end* avowedly proposed by the new system, namely, a more efficient suppression of poaching: But we feel equally certain, that it is as impossible to approve or justify the *means* by which this end has been pursued. The proper ends can be only two; one direct, the other indirect. First, that the landowner, at whose cost the game is reared, should be protected in the enjoyment of it by adequate laws, temperately and judiciously adapted to the peculiar circumstances of the case. Next, that the lower classes should be promptly discouraged from entering on, or persevering in habits, which, taken up whether for amusement or for profit, are found to be incompatible with the duties of their station, and to lead to consequences still more ruinous. With this view, and especially as the subject itself is rather ticklish, and there

are popular prejudices connected with it which want coaxing and bringing to, the law, in order to be successful, ought, both in principle and practice, to have avoided hardening the immediate objects of it by excessive severity, and provoking the impartial part of the public by its absurdity or injustice. The machinery of property, by enclosures and subdivisions, &c., is in that perfect state, that a trespass act, with varying penalties circumstantially directed to this offence, would give the owner of this species of property as high a degree of security as he is entitled to, or can successfully assert; whilst a discretion over the penalties, moderating them according as the case might require, would serve, full as well as the whole hundred pages in Burn, every purpose of restraining the idle and disorderly.

But our actual code, by its utter want of principle, and by its impetuosity, has directly defeated itself. The Country Gentlemen have had the making and remaking it entirely their own way. They have followed the desires of their own hearts; and, if wisdom consists in a prosperous relation between the means and the end in view, let them contemplate their work, and see whether it be good. Rushing on the intention, and not waiting for the act, they have, by the seizure of suspicious dogs and instruments, &c. constructed a series of provisions which are more strongly marked by the preventive spirit of police than any thing, save some revenue regulations, in our law. They have made a transportable misdemeanour which juries hesitate to enforce. They have said to every man in the kingdom, however rich he may be otherwise, who is not also owner of a considerable landed property,—‘ Sir, you are ‘ not qualified to enjoy the amusement of a day’s shooting, lest it ‘ should make you idle and dissolute, and corrupt your morals.’ They have told the yeomen of L.99 a-year freehold, or L.149 for life, or 99 years,—‘ We will quarter, rent-free, a portion of ‘ our game upon your property ; and, that you may not have the ‘ means of relieving yourself of this assessment in aid of our di- ‘ versions, we will keep the law in such a state, that the younger ‘ branches of our family shall live in open violation of it the win- ‘ ter through.’ Lastly, after a total and entire knowledge of the inefficiency of the penalties on the seller, a member of their body, whom no experience can teach, has completed this course of rural legislation, by making it penal, even in themselves, to buy this sacred commodity at all. The result of this contending against nature, this taking Canute’s chair out of their justice-room, and planting it against the coming tide, has been, that instead of preserving game, the market of every town in England is supplied with it as regularly as with poultry ; and instead of preserving the morals of the poor, out of scattered and individual

poachers, they have made gangs and armies ! Had Sir Francis Wronghead been perpetual chairman, he could have done no more.

The present Game Laws are chiefly objectionable on four grounds : 1. The confusion and multiplicity of the statutes still in force. 2. The unjust principle upon which they go. 3. The unrelenting execution with which the nail is driven to the head. 4. The amount of evil, not more distressing than alarming, that is produced by them. If a reader were inclined to laugh upon a subject which is connected with so many serious considerations, let him turn to an excellent work, (*Tyrwhitt's and Tyndall's Digest of the Statutes,*) and in the columns of extravagant and contradictory legislation which follow each other under the article 'Game,' he will find as much amusement as at half price in any theatre. The number and intricacy of these statutes seem as much as any thing to have persuaded Blackstone, that 'the crime itself was of too questionable a nature' to call for many observations. Whilst 'false grammar in no fewer than six places, besides other mistakes,' in one single act, led him into a suspicion which he declines pursuing, of 'what denomination of persons were probably their penners.' Difficulties no less invincible have been in like manner imposed upon the judges in construing the famous enactment of Charles II. concerning qualifications, and in expounding that of William III. about dissolute persons. A further source of embarrassment has arisen from the aforesaid 'denomination of persons' not caring to examine or bear in mind the laws already in being, or afterwards to take the pains of reconciling the new and old enactments. Especially since, in their reluctance to surrender any possible penalty lurking in the obscure and neglected corners of the Statute Book, all former penalties are usually declared, by a special proviso, to be still in force. We have heard the judges reproved for bringing the parliament into contempt by sarcasms on this species of legislation ; but surely, considering they are bound to interpret the law, they are entitled, without the charge of being over classical or expecting, to grumble a little, when it is tossed to them in a state where they can neither grope their way through the words or the meaning. In point of fact, there are only three statutes, all of which are recent and too modern, in daily use ; the Certificate Act, (52d G. III. c. 94,) the Night Act, (57th G. III.,) and the Qualification Act, or 5th Anne, c. 14; nine-tenths of the convictions being under the last. The necessity of consolidation, therefore, is less urgent, but its propriety not less clear, as urged upon them long ago by their common tutor, Dr Burn. Yet mere consolidation of this chaos

will not do. Its evil principle must be extracted, or we shall never frame a system of order out of it. This can only be attained, and the minds of men put in sympathy and co-operation with a subject that has been in itself long diseased, and on which, on all sides, much delusion has been encouraged, by our making it at length sufficiently honest and intelligible to stand explaining.

Before turning to enquire what is the principle by whose adoption this object is most likely to be accomplished, a few words may be properly interposed respecting the jealousy entertained of these laws, from the mode in which they have been too frequently executed. The language of many of the judges, in cases of considerable standing, about ‘ unremitting vengeance,’ &c. proves, that this part of the grievance is indeed no novelty. Blackstone speaks in his day, just as feelingly as he could at present, of the severe punishments implacably inflicted, and of miserable delinquents making their peace with the Lord of the Manor ! In minor cases of ordinary poaching, considering how our judicial establishments are still divided and arranged, we admit it would be difficult to make out any other sufficiently cheap and accessible tribunal. At the same time, the *circular* argument in fashion, whenever this part of the question is meddled with, is not likely to satisfy a very resolute sceptic : for Game Laws, it seems, are necessary, in order that country gentlemen may be induced to reside in the country ; and it is necessary that country gentlemen should reside there, in order that they may administer the Game Laws ! Of all descriptions of offences, these, perhaps, are the very last in which it is desirable that men, living rather too much beyond the reach of newspaper reporters, should be judges in their private room,—of causes, both in principle and feeling, substantially *their own*. However, it is an unnecessary aggravation of the hardship of such a jurisdiction, to fix an absolute penalty at the rate suitable to the worst offenders ; and to withhold from the convicting Justices that power of mitigation which we may be confident never would be abused. The Qualification Act gives L.5 penalty, and three months' imprisonment on non-payment. But cases must come frequently before a magistrate, where an apprentice, or a farming boy, without being a regular poacher, has brought himself within this act. If the prosecutor cannot be induced to let it drop, upon the party paying the expenses, but will press for a conviction, the magistrate has no discretion, and the warrant of distress must issue, or the party be committed. It cannot but too often happen, that ten or twenty shillings would be quite penalty sufficient ; in which case, the friends would come forward, and assist in saving the

led from the corruption and degradation of a prison. The next statute, in point of common use, is the Certificate Act, which is liable to the same objection. There is a L.20 penalty, mitigable only down to L.10; and besides the penalty, the party becomes liable to take out the certificate, which is in fact adding L.3, 13s. 6d. The imprisonment, however, under this act, is discretionary; the only provision being, that it shall not exceed six months. It is to be feared that there are many magistrates, who always act upon it to the full extent. But to any one who considers what a sum even L.5 is among the labouring class, it must be very obvious that these are penalties not calculated to reclaim young offenders, but to drive them to despair; and the imprisonment is out of all proportion great, compared with the sentences inflicted at the Sessions for positive felonies. The unpopularity of our Game Laws is very much ascribable to this disproportion of punishments to offences, which pervades them throughout; and a good deal of this unpleasant feeling would probably be done away, by the substitution of more moderate fines.

Lord Wharncliffe's late modification of the Transportation Act against night poaching, by which the jurisdiction is taken away very much from the Justices, and sent to the Assizes, only came just in time to remove a great reproach, and recall the public confidence. It was impossible to resist the painful impression made by the crowded state of the bench upon those trials, contrasted with the very thin attendance when real business was to be done. In respect of the punishment, too, when the extreme sentence was fought off, the more judicious magistrates could only effect it by compromising the difference with their sterner brethren, and by consenting to a longer imprisonment than they really approved of. In many counties, this extreme sentence had been actually enforced with so little discrimination, that considerable management in the chairman was necessary to bring juries to do their duty, even in the plainest cases. We know that an association was formed, of which the condition was, never to convict a prisoner under it; and a member of which, (a school-master,) carried his point by making himself an abatable nuisance to his fellow-jurors. Not only has this violence over-reached itself by the re-action it has thus raised up among those on whom the execution of the law must after all depend, but it has been clearly shown, that the armed resistance of night poachers to their apprehension, (which has since gone such disastrous lengths,) began by their dread of transportation. Lord Wharncliffe's bill was imperatively called for by the indiscretion (to use the mildest word) with which magistrates had driven this formidable weapon to the hilt upon common occasions. The

additional expense which had thus been rendered necessary, by the only alternative, that of carrying on the prosecution at the Assizes, is so heavy, that it will deter most prosecutors from proceeding. Impunity so bought is objectionable enough; but it is infinitely better than the other sort of impunity: And such was the choice forced upon the country by the scenes presented to it at Quarter Sessions.

One of the most powerful causes by which men are prevented from applying their common-sense on practical questions, to the state of society before their eyes, where alone they can expect to act to any useful purpose, is the respect we pay to the supposed authority of former times, although we may be in a better situation for forming a correct judgment, and even although the circumstances are entirely changed. The disqualification laws, however unjustifiable as a deviation from the course which reason and general precedents could have pointed out, have doubtless found many partisans, both at first and since, among those who were bewildered by opposite glosses upon the broad and popular proposition, that game was part of Nature's catalogue of things left in common as *nullius bona*. Nothing, surely, can be more thoroughly waste time than going back, for any purpose of political argument, to the Iroquois age, when it is said of man himself, that ' wild in woods the noble savage ran.' It is sheer folly to refer to Nature upon this subject, either for an instinct or a definition. The assertors of an inalienable right to freedom on the part of animals *feræ naturæ*, may ballot their own committee from among the keepers of menageries and aviaries. The present times have little interest in the comparative docility for domestication which Adam after the fall, or Noah in his ark, might find between the different creatures. They have as little concern in any capricious test which may have been assumed by Nimrod respecting what was and what was not to be considered game, as with Pope's later question, ' As beasts of nature may we hunt the squires?' Blackstone, to be sure, derives from our Norman pedigrees their predominant passion for the field; out of which one of the old chroniclers made a relationship for the Conqueror himself: ' He seemed to love them so, he might have been their father!' We are not prepared to fight the battle of privilege and prejudice—by which, as it were in right of some peculiar strain of blood, a sort of feeling of animal legitimacy is set up, and as much horror is manifested at the notion of property being predicable of, or a power of sale exercised over, a partridge, as Mr Wilberforce could express were it the case of a human being. The country gentleman who could not bear the sight of game publicly expo-

sed for sale in the markets at Paris, ‘because it looked so unnatural,’ was probably the same person who, in talking over the Usury Laws, began by assuming that his adversary would not deny, that five per cent was the *natural interest* for money! There is nothing in nature to guide us towards the formation of such a scale. The classification must vary in every country; and man himself has not always been left out of it. War has been supposed our state of nature; and chivalry carried the rights of possession under it pretty far. The Commons, 45th Ed. III., petition the King for a law to explain, whether the French garçons and valets, who had then been many years prisoners in England, were to be considered as prisoners or *villeyns*. Coke would have required that his student should note the diversity between the absolute property which the law of that day gave in a villein, and the qualified property it allowed in deer and rabbits.

The title of occupancy, by which the Roman law gave wild creatures of all sorts to the taker, may be strictly true on the banks of the Magdalena: But it is only nominally so, and by its vagueness can lead only to misunderstanding, when it is carried on and applied to a state of things where an exclusive interest throughout in private property is established, against whatever trespasser. In such a case, it is trifling with words to argue that the proprietor of an estate, on which nobody can come without his permission, is not as much proprietor of the animals upon it whilst they stay there, as the owner of a cage with a bird in it, which cage nobody has a right to meddle with except himself, is owner of the bird within. If the same rule may no longer govern both cases, after the animals and the bird shall have chanced to move their quarters and escape, it is no reason why it should not hold good whilst they continue, the one on the land, the other in the cage. It is ridiculous to suppose a different rule or degree of property in the eggs, or the young that cannot leave the nest, than in the old birds that are sitting on them; because the latter are free agents, and, as soon as they like, have it in their power to fly away. The title of privilege, in short, within the limits that it ever obtained in England, was harmless enough, in fact, except for the severity of the punishments connected with it. But the childish pretexts, half sentimental, half statistical, on which our writers have laboured some sort of theory for this partial exercise of it, show the aversion with which they shrunk from the appearance of countenancing, what yet the neighbouring example of France must have made familiar enough to our Kings—the despotic principle of a general royal title over game. Our law, we have already stated, gave a man very little

more under the title of privilege, than what he would have had under that of property. Take, however, any period of society, whether barbarous or civilized, and if privilege is regarded as giving a right independent of, or in opposition to, either occupancy or property, it is equally hollow and unjust. In a country and among a people that are alike uncultivated, and where occupancy, accordingly, is the reasonable title, privilege is nothing but the sullen pride which grudges others the distinction even of an amusement in common with ourselves. In a country which has improved so far, that game, if maintained at all, must be maintained out of the fruits of artificial agriculture, a privilege which supersedes the title of property, is the privilege of rapine and extortion.

An attempt to carry these two principles into practice, in an age when human labour has given most of our very commons an air of culture, such as hardly found its way into the garden of a Plantagenet, would prove their unsoundness better than any reasoning. The property in these things is, in such a case, necessarily drawn to the property in the soil. There can be no great difficulty, in spite of the vagueness or imperfection of the language ordinarily used, in showing that game is just as capable of being made property for every available purpose as other things, though more liable to be lost without any act on the part of its temporary owner; and that in a country like England, the interest that it should be considered so, as much as either sheep or poultry, is only a question of degree; for we are ready to concede to the partisans of occupancy, that the first of these propositions by itself is not enough to justify the making any given thing private property. Whilst Blackstone would destroy the title of occupancy altogether, by supposing that the law, to prevent quarrels, has vested in the King whatever would otherwise be without an owner, we always have considered this indefinite apprehension a great deal too remote and summary, to overrule the more logical conclusion that Paley draws from the common principle, namely, ‘That nothing ought to be made exclusive property which can be conveniently enjoyed in common.’ Any general question put respecting this metaphysical or ethical right of property as an institution, seems only another form of asking whether society is to exist; certainly whether it is to exist with any probability of improvement. The particular question, What shall be made property, and by what several titles it shall be acquired? is one that may, and will be answered in divers ways, according to the wisdom or good pleasure of each community. The reasonable test, however, whether any particular thing shall be thus appropriated, cannot, in the absence of

collateral considerations, be any other than whether it will be thus enjoyed to the most advantage.

The necessity of property is of course pre-eminently true in land, from its great improvableness, and from its being so readily identified by boundaries, owing to its stationary quality. It is much the same with goods, which are in all instances mixed up with human labour, more or less—a thing which we all feel that no man likes or means to give for nothing. They are also easily recognised and challenged, by being so far immovable that they will remain in the same place, if left to themselves. The same principle holds equally good of animals that have been domesticated, whether to be used for food, to be employed in husbandry, or (we speak with all due respect for the scepticism of the English law, or of Mr Justice Yates,) which are kept merely for pleasure. It applies as long as they continue tame; and, although not always stationary on the premises, yet retain the *animum revertendi*, or habit of returning home. Of course, the owner ought to be answerable in damages for any mischief done by what belongs to him, and this without requiring proof of his knowledge of their mischievous dispositions, (what lawyers call a *scienter*,) just in the same manner as he is civilly liable for any injury committed by himself. Much of the comfort and pleasure of daily life depends on this species of appropriation. Such animals are sufficiently commorant to profit by and repay human care; and their owner has not more trouble in tracing, or half so much doubt in swearing to, his cattle or his dog, as to his spoons.

The last question respecting property, brings us to those animals that have never been at all domesticated, or having been so once, have become wild again. The sole and exclusive possession of land must, in point of fact, secure to its owner the possession also of the game, which no one else has the power of coming upon the land to take. But (independent of this indirect consequence, by which the disability of every other human being proves an ability in himself, by a sort of *reductio ad absurdum*) the very same consideration which establishes property in domestic animals, extends over and comprises these also within its principle, in the present state of society. Whatever might be the case when three-fourths of England was wood and waste, these animals now live chiefly on the produce of human labour in one shape or another. They are not of less value in themselves, because there is a still higher pleasure in the pursuit of them. The proprietor of this produce makes claim, therefore, through the food by which they are maintained. Unless this claim is acknowledged, of course he will refuse to go on main-

taining them at his expense, for the profit of Black George, or the amusement of the apprentices of the nearest town. Some management and forbearance, such as exclusive property alone can give an inducement to observe, are required to keep up the breed, or there would soon be none for any one to enjoy. Without this, the oyster will vanish during our contention, and leave not even its shell to divide between us. The excluded, consequently, are only now in the same plight in which they soon would be, if game was thrown open to every gun. This is alone enough to bar any complaint on their part; for the dog in the manger could himself in such a case scarcely presume to murmur at an arrangement, the effect of which merely was, that others were better off, and himself no worse. The temper that would kick down the table, or let the harpies loose upon a feast, where we ourselves happen not to have a chair or an invitation, has no right to expect to be humoured by the law. Therefore, the jurisprudence of a people, like a just master of a family, in respect of such things as, though at one time properly left at large, can no longer be competently enjoyed without temporary prohibition or entire appropriation, is entitled, nay, indeed, is bound, to pursue that course. The public will only be provoked to dispute the justice of this arrangement, when they find that the key so given is turned upon themselves, and that this possession is perverted into a haughty exclusion of them from the enjoyment of it, under the ordinary exchanges by which society subsists.

Supposing the advantages accruing from the institution of property, to comprehend pheasants and partridges as much as any other stock upon a farm, nevertheless, the party asking of the legislature that it should be regarded as such, must show that the right can be exercised without more than countervailing embarrassment and risk. It will be in vain that a general right of property, in things of this description, may exist in argument, if means do not exist also by which it can be safely realised in fact. The vagrant habits which carry them into adjoining estates,—the impossibility of tracing their history with tolerable accuracy, and keeping an account, by reference to their journal, of the comparative rate at which the different properties in a neighbourhood have contributed towards their board and lodging—the difficulty of identifying them, or of reasoning on the *animus rerertendi* of creatures, upon whom we have not the hold that a dovecot, a bee-hive, or even a rabbit-burrow, give us upon their respective tenants;—all concur in restricting our notion of property in them, and binding it to their connexion with the soil. Thus, if on one hand we ought not to be liable for any in-

jury done by them upon the land of another, because our property in them has ceased by their migration; so, on the other, such other person is entitled immediately to take the law, together with the trespasser, into his own hands. If, under the fiction of a qualification, a law unfortunately should exist to intercept this summary justice, it is bound to give instant compensation for such injury. The French Courts, however, find it possible to combine legal satisfaction with the right to abate the nuisance, in self-defence, when the last is an imperfect indemnity. In 1819, M. Dupin obtained a judgment from the Cour Royale against the civil list, for damages to the amount of 12,000 francs done to the crops of a subject, by boars escaped out of the royal forest. Now boars were hunted in our woods as late as Henry VI. (*Twyne de rebus Anglie*); and hares even may do a farmer almost equal mischief. Mr Hunt (51st Report) mentions a single parish in Wiltshire where they annually destroy above 1200 sacks of wheat, and the landlord allows for the loss at the rate of two sacks per acre. Were a complaint, like M. Dupin's, carried by a farmer to our assizes, the judge would only laugh at the rustic for not knowing that game was *feræ naturæ*, in respect of which neither claim nor liability could exist on the grounds of another person. The French are, again, much more jealous in their distinctions respecting another member of this gipsy family than ourselves; it is one that lost also its feudal immunities at the Revolution:—we mean pigeons. Both laws give pigeons a general letter of safe-conduct, in consequence of the house over their heads, and the greater cost and care bestowed upon them. But in France, the municipality is intrusted with fixing, according to the season, the day on which the dovecot is to be closed; after which, or, in case that is omitted, any one may kill whatever pigeons are found trespassing on his grounds during seed-time or harvest. It is a creditable distinction in one of the statutes of Charles II. that, when giving additional security to rabbits in a warren, it was considerate enough to except the owner of the bordering grounds from the penalties for taking them there. Our 2d Geo. III. disdains such discriminating niceties; and the owner of a field, if he is not also owner of a dovecot, shooting his own pigeons, is liable to a fine of 20s., although he may have shot at them while actually gorging on his corn. On the whole, we believe the small proprietors of England would be content to abide by the doctrine of our old cases. These went on the probable difficulty of knowing from whose property the trespasser came last, and assumed the farmer would not care to enter on the question, when he had once knocked the stranger on the head. The distinction that

game,\* like alien subjects, owe only a sort of temporary and local allegiance—complete whilst they stay, at an end when they leave us—is enough for all practical purposes. There is no person who can put in any colour of claim, except the landholders,—for the whole must be their joint and undivided property; and the average will strike itself fair enough, if every man takes that portion which may happen for the time being to be found upon his land. In case of any unfortunate preserver who is edged in by an '*O si Angulus iste*,' he must either pay the fancy price which its locality confers upon it, or, like other owners, submit to the inconvenience of being only part proprietor, instead of sole.

Notwithstanding some coquetting backwards and forwards about words—as, whether the plaintiff might or might not declare in trespass, that the hares, &c. which the defendant had carried away were his own, (*suo s.*)—the common law treated of game with quite as much respect and consideration as any thing whatever of the same class. Its spirit, too, was more liberal than its letter. Under what form of concluding words, or by what circuitry of expression, the remedy was fastened upon an action of trespass, for breaking and entering the plaintiff's close, did not much signify, especially since, for other and more grievous wrongs, (such as adultery and seduction,) the law delights to surprise the unlearned by the like tortuous expedients. Besides, the wording of the writ in the register was not the only scruple in the way. The common law considered some things as too vagrant and volatile in their nature to be the subject of absolute property, as light, air, water, and (in 1767, authors were startled to hear) ideas. Others, again, were below its notice, as administering not to the profit of the commonwealth, but to the whim of an individual, such as dogs, parrots, and (to the great commi-

\* An insuperable difficulty against attempting more than a possessory property in game, arises from the impossibility of recognising your own from another's. Our ancestors sought to obviate this dilemma in the case of swans, the only royal fowl, and, perhaps, by reason of the capability of proof afforded by this expedient, the only bird that could be an stray. His white coat offered the means of securing a visible impression ; and he was consequently property or not, according as he was marked or unmarked. Lord Coke gives what he calls a notable precedent, where, in the reign of Henry VI., a man, to please his wife, grants over to his son his swan-mark of his coat-of-arms, (a little ragged staff,) as painted in the margin. It had descended to him from his father. By a qualification act for swans, (22d Edward IV.) none could have what was hence called a mark, or game, of swans, who had not a freehold of five marks a-year.

seration of the late Mr Lawson) ferrets. The distinction which was taken between absolute property that was denied, and base or possessory property that was admitted, has popularised the vulgar error, that the law withheld from things of this description the character of property generally. If lawyers themselves were occasionally at variance in their perambulations on this boundary, few laymen were likely to take a microscope to distinguish between the splitted hairs of trespass and of trover. Many, too, who never heard of the precedents the other way, might yet hear of such a fact as, for instance, Mr Baron Legge having refused to try an action for shooting a monkey that was eating fruit in a garden, on the ground that it was a thing of no value. It is probable he had fallen out with his wife's monkey before he started for the circuit; for they were the favourite female playthings of that age—and of exemplary use to keep lovers on their good behaviour. All this, however, looks very unlike business; and resembles school divines quarreling whether the monk, who had taken a vow of poverty, might call the mouthful which he was in the act of eating his own, rather than the good sense of men administering the affairs of life. It is not more derogatory to the law to protect a man's property in a monkey, than in a picture of it by Snyders; nor the flowers in one garden, more than the kitchen stuff in another: and, since the happiness of a community is made up of that of all its members, there seems the same call for a penal sanction on behalf of society, whenever the circumstances are otherwise felonious. But the common law alters its ways of thinking and acting slowly; and as our courts, which have not appeared to the greatest advantage in their decisions concerning public policy, had begun by supposing that the public had an interest in discouraging such vanities, they have not even as yet changed their course sufficiently to allow the stealing of them to amount to larceny, and be punished by indictment as a felony. Nobody can regret that this extreme consequence has been evaded; for the blind confiscation of property by wholesale, which is part of the definition of a felony, (instead of a fine proportioned to the offence,) makes it odious to all reasonable minds, as the remnant of a ferocious and fiscal jurisprudence.

When Parliament began to interfere, it undertook the work with, at least, more discrimination. The party injured having usually preferred to put up with his first loss, rather than throw good money after bad in an expensive action, the 11th Henry VII. (as we have before observed) first called in that unpopular public servant—the common informer, whom he bribed with the half of a L.10 penalty. Legislation on this subject once

begun, was too tempting not to be proceeded in. Further penalties soon poured in, recoverable by suit at Westminster and elsewhere, by information before the Steward in his leet, or before a Justice of Peace, and, in some cases, by indictment at the Sessions. The facility of criminal punishment, as at last provided under the Qualification and Certificate Acts, has the merit of promptness, vigour, and certainty, in its exercise : Compared with most other parts of our Criminal Law, it is nearly the difference between travelling post and travelling with your own horses.

Believing that, both in common sense, and by common law, the right to game attaches to the possession of the soil, we have no complaint in the abstract to make against so much of this legislation as directly aims at checking the infringement of that right. Lawyers speak unguardedly, we think, when they call night-poaching, in armed gangs, simply ‘an ‘agreement to commit a civil trespass.’ Our complaint is, that throughout a great part of these provisions, instead of their being founded upon the principle of an universal protection of the general right, the interests above a certain value are most unfairly secured, by a confiscation of such interests as do not reach this arbitrary standard. It is as if, in a sum of figures, the pound should have conspired to defraud the halfpence. Parliament as yet has not meddled with the Civil Law in regard to game. Indeed, very little adjustment is required to complete the adaptation by which Willes, C. J. (when denying that none but tame deer could be property, and distrained as such,) said, nearly a hundred years ago, that if the nature of things changed, changes in the law must follow. A slight pruning of some aberrations of language and illustration, and the castigation of little more than two or three cases out of the whole array of our law-books, would make this system of special property consistent with itself, and satisfactory to every interest as well as feeling. But in the Criminal Law, the meshes of our legal net must be completely unwoven, before its only legitimate objects can be properly and honestly obtained. Our first amendment must be the abandonment of the usurpation introduced by the Disqualification Laws. They have created a statutory privilege from one end of the kingdom to the other ; and by violent separation (much more sweeping and extensive than what existed in our most feudal times) of ownership in the soil, from the ownership of that which lives upon its fruits, they have given ‘gentleman’s game’ a right of common upon every unqualified man’s estate. One of the evils of this innovation has been, that lords of manors have been flattered by it into an indistinct

belief, that, as representatives of the Norman aristocracy, or in some other odd manner, they have inherited a sort of manorial supremacy over game. Blackstone's crotchet, that some claim of this kind was an original prerogative in the Crown of England, becomes of some importance, in case it should again be put forward, either as an obstacle to justice, or a pretext for compensation, by its pretended assignees. In that event, proof to any amount, or, at least, as much as any reasonable man can wish for, and much more than most lords of manors would like to read, shall be forthcoming, whenever wanted, in denial both of the original right, and of the supposed assignment.

By those who like authority better than reason, and statute more than common law, the 12th Richard II.\* is generally quoted

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\* The interpretation of 12th Richard II., with its year's imprisonment, may be of some importance; since, according to Burn, it is still in force, and any one who chooses may prosecute upon it: ‘Forasmuch as divers artificers, labourers, and servants, and grooms, keep greyhounds, and other dogs, and on the holydays, when good Christian people be at church, hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the very great destruction of the same; and sometime, under such colour, they make their assemblies, conferences, and conspiracies, for to rise and disobey their allegiance: It is ordained and assented, That no manner of artificer, labourer, nor any other layman, which hath not lands or tenements to the value of forty shillings by year, nor any priest, nor other clerk, if he be not advanced to the value of ten pounds by year, shall have or keep from henceforth any greyhound, hound, nor other dog, to hunt; nor shall they use fyrets, heys, nets, barepipes, nor cords, nor other engines, for to take or destroy deer, hares, nor conies, nor other gentleman's game, (*n'autre desduit des gentils*,) upon pain of one year's imprisonment; and that the Justices of Peace have power to enquire, and shall enquire of the offenders in this behalf, and punish them by the pain aforesaid.’ *Desduit* was thus applied to the diversion *par excellence* of those times. It figures in a Latin letter sent from Magnus, King of Norway, to Edward I. along with a whale's head; where the word would have surprised Cicero as much as the whale itself. People liking to admire and talk about the size of whales, he sends ‘caput cetinum integrum cum dentibus,’ to be explained by the bearer; ‘ut etiam esse possit ad deductionem regalis excellentiae, cum sit ad laudem mirifici creatoris.’ Henry IV. of France forbids all ‘gens roturiers’ to keep ‘oyseaux gentils et de proye’: A use of the word ‘gentlemanly’ more in harmony with the ancient French than the ancient English law. They acknowledged noble, free, and servile: But England knew no distinction, beyond the walls of Parliament, but that of freeman and villein. For the lower order, (than the lowest deep, a deep still lower,) that of Slaves, had disappear-

as an example of the great antiquity by which the people are, it is said, familiarized to the doctrine of disqualification. Supposing the precedent to apply, what authority it ought to have as the act of an independent legislature, may be best understood by a reference to the contemporary history of that wretched reign. There is no trace in the year-books of its ever having been acted upon. It was an instance probably of what was then so common, an act passed on the spur of the moment, (and the motive of this, as stated, seems half political,) to be never thought of afterwards, unless afterwards re-enacted, or frequently enforced. The apprehension of Wat Tyler's mob, and of the Captain Rock Letters sent over the country by John Ball, must have kept the higher orders in constant alarm at every symptom of an assembly of the common people. Any possible motive or pretence for it would therefore be as carefully removed, as at the present moment in Jamaica. In the first case, where we meet with an allusion to it, it is mentioned, not as restraining persons below a certain income from hunting on their own grounds, but as imposing a penalty, in addition to the action of trespass, for hunting on the ground of others. Should this be thought a forced construction, it shows at least the interpretation which usage had put upon the statute, when it deceived Broke, J. A. D. 1521. Our wars in France, and at home, during the interval, had found our great men in nobler game than that of worrying poachers. The recital in the statute proves, that it was occasioned by frequent meetings in parks and privileged places; so that the words, ‘gentleman’s game,’ so often cited in italics, may mean nothing more than just that quantity of game kept by gentlemen within their franchises, in the way deer might be spoken of in an act of the present day. It is true, John Ball’s rhyming question, ‘When Adam delved,’ &c. some seven years before, had given the word (which is almost a stranger to our statute-book) a more than usually painful meaning. Whatever lords of manors may imagine, their connexion with game is comparatively a novelty; and as they clothed themselves with this character for their own interest by one statute, it is not extravagant to hope, that they will lay it aside, when satisfied that it never properly belonged to them, by another. First, they have no business with the armour of Achilles; and, next, it is not his shield

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ed before the records of Parliament begin. We only remember the atrocious word twice, in a bill proposed 50th Edward III. and 1st Edward VI., to make runagate servants and idle vagabonds slaves.

behind which they now take their stand, but some substituted utensil, with which Martinus Scriblerus has imposed upon their antiquarian credulity.

The statute of James I. may be fairly taken as the first real Disqualification Act: and many circumstances prevented its being in uniform or strong operation, much before the time when it was superseded by the higher standard, as fixed by the 23d Charles II. During a considerable period after the accession of Henry VII., (when men felt that a great change was going on around them, which they could not understand, and which they were seeking to control or influence by a vast waste of strange legislative experiments,) a series of statutes were passed, bearing upon this subject with an equal variety of objects. Some to encourage the chivalry of hawking; some to keep alive Ascham and his long-bow; some to suppress that pestilent novelty, the gun, and those ‘evil-disposed persons that do daily use to ride and go in the king’s highways and elsewhere, having with them cross-bows and little hand-guns, ready furnished with quarels, gunpowder, fire and touch, to the great peril of the king’s most loving subjects.’ Afterwards crowd in upon us the later enactments, with their multifarious purposes, express and implied; for example, that of protecting the morals of the lower orders against idleness—of preserving the game, nominally of *all* proprietors, against pauper poachers—of securing a monopoly of the said game actually to the *larger* proprietors themselves—and lastly, of drawing an impassable distinction between the new monied interest and the older landowners. Under the two statutes of James I., personal property, to the amount, first of £.200, and next of £.400, was received as a qualification. The ill-temper of one of those headstrong parliaments of Cavaliers that disgraced the reign of Charles II., omitted the qualification of personality altogether, and could see no right to any thing but in their own acres. The folly, in the moment chosen for this ebullition of selfish spleen, cannot be too much admired. The moment was that in which this power (whose existence they refused to recognise) was preparing to thrust them from their seats, and buy their darling ground from under them. Nationally speaking, this measure by itself might have had no greater result than that of making a few more opportunities for village insult and importance. If it raised ill-blood, it probably would not have shed it. But it was unfortunately accompanied by a line of parallel enactments, whose consequences their first framers may be more excused for not having foreseen, than ourselves can ever be, for having permitted them to reach their present height, before we retrace our steps. Henry VIII., whose cloth-of-gold magnificence would

make him love the very plumage of his pheasants, has the credit of having opened the trenches, in this parliamentary campaign against the Sellers and Purchasers of game. But his act expired with the next parliament. The attack was not renewed till James I. took the field again with a permanent enactment, which exists at the present hour, though kept out of sight by its successors. It seems certain the act was never regularly enforced; as, we suspect, few of the mere game acts ever were, until later times: For, when Charles I. (1632) drove the gentlemen from London, in order that, ‘according to the ancient usage of the English nation, they might, by abiding in their several counties, guide and relieve the meaner sort of people;’ he seems to have been at a loss with what consolation he should seek to arm them against the remonstrances of their ladies. A proclamation was decided on, by which he forbade all game ‘to be dressed or eaten at any inn,’ expressly to encourage them to live more willingly in the country! Clarendon, in his Life, mentions how much more abundantly the king’s friends at Oxford were supplied with pheasants than the rebel citizens in London. The statute-book shows this was not connivance. It will serve, too, as a proof of the slovenly mode in which the law in this behalf has rained down snares, worse than those of any poacher. William III., in one of the game acts, by which (besides those against papists) he was obliged to appease the Tory squires, who would otherwise have charged 1688 with having destroyed the game as well as the fine weather, expressly excepts the unqualified possessor of it from the penalty, when he can produce either the party of whom he *bought* the same, or some credible witness. The acts of Anne only prohibit the sale by *unqualified persons*; and it was not until 28th Geo. II. that qualified persons were prevented from making a profit of it by sale, if they were so disposed. This act was passed to remove doubts, raised by a decision in 1755, in which the court had, ‘upon great consideration,’ determined that the act of Anne, by the words ‘*higler and chapman*,’ only comprised traders from place to place; prohibiting such from ‘buying game from loose idle persons in one place, ‘in order to sell it in another;’ but that a resident *poulterer* could ‘never be within the intention of the legislature.’

Now all this legislation went on, whilst the act of James I., prohibiting sale of game by any person whatever, was yet left outstanding on the statute-book, and unrepealed. The only instance of purchases that is there mentioned as unlawful, was the buying to sell again; nor was the buyer for any other purpose guilty of any offence until 58th Geo. III. If the antecedent periods of prohibition were hastily and injudiciously selected,

what can we say of the advisers who sought thus late to pin the basket, after all the causes of former failure had been developed, and were notorious to every higher on every road that leads to London. The result of striving to overrule the character and condition of society by acts of parliament, and of attempting to prevent the full supply which exists in the country from meeting the full demand which exists in the towns, is what might have been expected. A violation both of all the common incidents of property, and of the principles on which the producers and the consumers deal in articles of value, has brought the question into its present inflamed and dangerous state. Game preservers can lose nothing by listening to the voice of reason, justice, and humanity. Their game gets to market already in as great a mass as it ever could do, and on as reasonable terms to the consumer. The only difference is, that the poacher supplies it, and not the proprietor; and that, instead of increasing the comforts of society by an interchange of commodities, it increases misery and crime.

However ungracious the aspect which the disqualification laws present to individuals whom they exclude, their abolition is become important to the public, chiefly as laying the best preliminary foundation for the restoration of the common law, by legalizing the sale of game.

It is unaccountable that a return to the natural system of legal sale, so improvidently departed from, is not by this time a generally received opinion. It is, however, gaining ground daily; and with a little good management it must be triumphant, both in Parliament and with the public, very soon. We have, in fact, no alternative; for, as in another contest with nature, which we are giving up at last, the annual question comes back upon us—What is to be done? Those alone, who would protect the Irish Church by creating discontent in its many millions of tithe-payers, will continue to protect game by refusing it the security which is thrown round a commodity, by making it the subject of commerce. An article of which the law says, ‘This shall not be sold,’ is in effect outlawed; it is denied the aid of all that respectful feeling of private right and of public benefit, which belongs to those subjects that form the common stock of our mutual interests, and the interchange of which is one of the most powerful relations by which civilisation binds man to man. In this state there is about it less of that ‘divinity which hedges’ in other rights. Let equal temptation come, and it must be the weak point where the natural reluctance to commence a violation of the law may be expected to give way first; yet, after being thus weakened, it is unfortunately the

very point on which a pressure, such as what no other object of desire is exposed to, is brought to bear. All of us have experienced, in divers ways, the artificial consequence and excitement that attaches to a thing from its rarity and supposed difficulty of attainment. Eve perhaps ate no other apple in all the garden.

This is the weakness of mankind, on which our cunning and paltry vanities calculate for their success, and by which man intrigues after a shallow and unmerited admiration for advantages of difficult attainment. This is the charm of manuscript poetry, and of early peas. This is the secret of the mysterious celebrity with which the favoured few compliment the author of writings ‘not published,’ or the printer of ‘150 copies only.’ It is the stimulant for a sated and corrupted taste, which the plain and open pleasures of nature have ceased to move. It is the resource where mediocrity seeks for flatterers, protected from the insolence of vulgar competition. Thus private theatricals may be crowded, whilst Mrs Siddons is acting in an adjoining street; and the exclusives flock to Almack’s, and enjoy the satisfaction, not that they are themselves admitted, but that others are kept out. A capricious value may be thus given to any thing that accident makes the fashion, as long as the privilege of exclusion can be maintained: And the presence of a partridge on her table at the second course, is as necessary to the peace of mind of the mistress of a house, as its supposed presence in his stubbles, to the credit and complacency of a country squire.

Of the extent to which this motive operates, the poacher has all the benefit at present. The salesmen, who have the materials for the comparison daily before their eyes, from superintending the general supply of the metropolis in its favourite articles of consumption, treat the increased demand from the fashion of a forbidden article, as on the whole more than equivalent to the counter demand which might arise in other quarters, when the timid and the scrupulous had no longer the fears of an act of parliament before their eyes. It is evident the slight difficulties thrown in the way at present, are of a kind that provoke more than they deter. Not strong enough to arrest the course, they only make it crooked and disturbed, instead of straight and smooth. If novelists instruct us, that the padlock and the duenna are yet to be constructed which will keep true lovers from each other’s arms, our political economists have been equally diligent in demonstrating, that a demand and a supply will make themselves the means and the opportunity of meeting, by at least an equal power of attraction. If the old ones will not consent, the young ones run away; and the Gretna blacksmith pockets the surplus fees of the rector of St George’s.

Thus, unless the wealth and luxury of the country can be reduced, so as materially to diminish the demand for game, or unless the preserves are so wasted or abandoned that the supply is no longer worth the gathering, the only effect of refusing an open sale is, to put the whole trade into the poacher's hands. Leadenhall market is in truth *the* great preserve; and that we maintain strictly and exclusively for him. Our legislation might have been, every word of it, his own work. Supplied the market will be, whether we will or no. All that depends upon us is, the ulterior question—How? lawfully or unlawfully? This issue is one, which the prejudices of society and the inconstancy of government have sent to trial in various shapes at all times; but the verdict has come back always the same way.

If argument is worth any thing, the analogy between poaching and smuggling is decisive. Prohibit silks entirely, and you make the smuggler's fortune, though the nation maintains a little army on the preventive service; whilst, we suppose, it means to leave the game preservers to support their own. Could Napoleon have built a wall of brass round the Continent, yet coffee and sugar would have got in. Prohibit all interest for money,—the respectable bankers will shut up their shops, but the annuity broker will have every thing his own way. Prohibit the surgeon from the means of legally obtaining the necessary materials for his science, and you leave even the living at the mercy of the desperate middlemen whom your insane policy raises up. The law that will not assist in and superintend such arrangements as the position and interests of society require, is the real parent and patron of the smuggler, of the usurer, of Burke and Hare. Like Falstaff, they ‘laud the ‘war’ against common-sense, without which ‘Othello’s occupation’s gone.’ For what are the poachers about Leeds, but a body of people whose occupation is called into existence by our refusal to permit a commerce in the article which they supply? Leeds does not sally forth to steal the rabbits of its neighbourhood, because hundreds come to market every week; but Leeds will turn out her ‘trecenti juravimus’ to bring in pheasants until she can legally purchase them. If grapes were forbidden fruit, no hothouse would be safe. If sheep were not allowed to go to Smithfield, the shepherd and his flock would be shot at to-morrow, with nearly as much audacity and impunity as the keeper and his pheasants are to-day. If, out of love to Shakspeare, we want to call back the deer-stealer, as one of the lost characters of former days, we have only to enact that venison shall not be sold.

The evidence before the Committee of the House of Lords (1828) is an abridgment of this one chapter of the History of

England for the last few years. The witnesses are of three classes ; and the facts stated by them bear principally on three distinct lines of observation. The Poulterers prove the supply brought to London and the great towns, its late increase and present completeness, the mode by which it is collected and conveyed there, the cheapness, readiness, and impunity, with which it is disposed of. The Country Gentlemen prove the desperate encounters by which they have lately maintained, and by which alone they can hope to maintain, their monopoly under the actual system. Mr Hunt, as representative of the Gentlemen Farmers, among whom he began his public life, powerfully confirms the present universal feeling of alienation among the occupiers and small proprietors, in consequence of the injury and injustice to which they consider themselves subjected. He appears, during a qualified sportsmanship of some thirty-four years, to have got singularly imbued with the prejudices of his order. His unmitigated abhorrence at the idea of making a sale of what he has always thought was meant for sport, shows that he has only looked at half the evil—to the sense of injustice that pervades the middling classes in the country ; but he appears never to have thought of the causes and temptations at work more powerfully in the towns. The other witnesses are, a dealer in live pheasants from Bayswater ; and the Lord-Advocate and Mr Drummond, who explain the law and usage of Scotland.

The supply, from not being able to give publicity to the sale, is at present more than sufficient : It furnishes not only for consumption, but for waste. In London, Leadenhall and Newgate markets are the principal game bazars ; in one of which alone, there are about ten wholesale salesmen who deal in it, independent of retail poulters. One of these, who *sold*, in 1827, 9628 head, (of which 1293 were pheasants, 1979 hares, and 6356 partridges,) says, he has *thrown away* pounds worth at once—as many as 60 at a time. The monthly returns of another make a total of 19,047 sold by himself alone, in the same year ; of which, only 1813 head came from persons possessing game in their own right. It seems clear, however, that considerably more than this proportion is really supplied by the gentlemen themselves, but that their transactions, in such cases, are usually with the country dealer at the adjoining town. Two witnesses, apparently poulters from Leeds and York, had retired from the concern ; one from family circumstances, the other from being undersold by the guards and coachmen in this sort of agency business. These last are able to save about ninepence a-brace in the carriage, the Norfolk charge being about eight shillings a-hundredweight. They both state the frequency of such sales by men of conse-

quence and owners of manors, either in money, or in exchange for other things, as fruit, &c. One of them puts the proportion thus supplied to him at a fourth; that received from gamekeepers at about the same. A great deal comes from abroad, at present, with other poultry; but it is stated, that only a small part of the 19,047 was foreign, and a small part Scotch. From its inferiority, one witness never takes in French game, or wild fowl, at all. What comes in May, is generally alive. It has numerous purveyors in the country. Shepherds send up a considerable quantity; in some places, small farmers, in others colliers, or handcraftsmen, are the chief performers. It is generally collected, in the first instance, from the poacher, by the keepers of public-houses, goose-feeders, or little shopkeepers, who send it up to the salesmen in the neighbouring towns. The salesmen either buy it at once, or sell it by commission, which in the country appears to vary, and to have been there about one-fourth of the price of the game itself; in London it is threepence a-head. The price at which the salesmen sell to poulters and hawkers, ranges of course between high extremes, but seems to average about 4s. for hares, (the heavy carriage of which makes them less worth looking after;) 7s. a-brace for pheasants; 2s. 6d. a-brace for partridges; 5s. a-brace for grouse; 9s. for black game. The poulters give more or less, just according as they guess, in the half secrecy of this business, that the stock on hand happens to be great or small. The price is already a good deal cheaper than chickens. 'I could get five hundred partridges in London, to-morrow, at one shilling a-piece.' P. 21. One witness, who never sold a pheasant in 1827 for more than 5s. 6d., was giving, for dozens of fowls, 9s., 10s., and 12s. a-piece; and has given as much as 25s. for a very large one. Another had sold, recently, a pigeon at 1s. 6d., and a partridge at 1s., both equally good. The price of game, they all agree, is governed at present by the common principle of sale, and depends entirely on the proportion between the supply and the demand. Our system, in this respect, has been gradually perfecting itself during the last 20 years; at which time, for instance at York, it seems nobody thought of dealing in it; ten years ago it was quite familiar, though the quantity then was small. It is within the last five years that the demand has so considerably increased; and yet the supply still keeps so far a-head of it, that the price has each year been dropping lower, in every hand through which it passes. Of course, the poacher's profits drop in the same degree, unless as far as it is balanced by the greater quantity he procures. It is privateering: Sometimes a pound a-night; sometimes half-a-crown; sometimes nothing. Lord Skelmersdale was told, by

one of a party of eight, (all of whom were sentenced to seven years' transportation !) that his share of the booty, a preceding night, had been  $4\frac{1}{2}d$ . The increase of poaching, in this manner, has followed the increase of game; and is particularly connected with the tempting exhibition of it on our present system of Preserving; since what used to be more spread over the country, is now collected into and made accessible in single spots. The little progress that the offence has made in Scotland, travels the same course. Night-poaching crossed the Border in company, and made its first appearance, with the pheasant, especially in Mid-Lothian.

In respect of the consumers, the demand does not seem to have arisen, as some country gentlemen are fond of supposing, from the extravagant luxury of the middling tradesmen. ‘ Taking the line of Bond Street or Regent Street, that class of tradesmen hardly ever buy it; but there is a class of tradesmen of the present day—for instance, at Waterloo Place, and the lower part of Regent Street, wine-merchants and others—who buy game; they have no chance of having it any other way.’ In the poultreer’s opinion, no great proportion of game is bought by tradesmen; but if there is any distinction, from among ‘ all ranks,’ tavern-keepers take precedence, as is natural, and seem as such entitled, in all senses of the word, to some allowance. Among the causes to which country gentlemen attribute the increase of attacks by gangs of night-poachers, the first that we observe mentioned is a reflection, not on the law—not on the demand that exists for game, which, in consequence of their own legislation, can be only got at by means of this description—but upon the administration of the law by its greatest authorities. ‘ I have no hesitation in saying, it arises from the disposition of the Judges and the Juries, both at Sessions and Assizes, to *acquit* all poachers, and to condemn all keepers ! There is one universal, strong, and well-founded impression, throughout the whole of the district with which I am connected, that if the poachers are only sent to York, they are certain of obtaining a complete triumph over the country gentlemen. The juries are composed of farmers who cannot shoot themselves, and have no inclination to preserve.’ P. 76. Sir W. Bryan Cooke proceeds by confirming the ‘ very strong impression indeed,’ which has been made by Mr Justice Bayley’s dictum, at Lancaster, that ‘ he considered any gentleman as responsible, who sent out his gamekeepers at night, armed with fire-arms.’

With regard to these observations, we should have thought, that the Judges at Quarter Sessions were at least safe from any

imputation of an undue disposition to twist the law in behalf of poachers, and to the conviction of keepers. If the Judges of Assize do indeed try cases of this nature in public, with a visible bias respecting the facts, as well as the law, there is one answer in the evidence, by which it seems probable that, in private, at least, they do not set an example of disobedience to the law, over which they otherwise so honourably preside, as much as some members of the class that watch so jealously, and visit so severely, its infractions. Among the rare contingencies of occasional scruples against buying game, on the ground of its being prohibited by law, it happens that the following is *the only one identified*. ‘I have heard that a poultreer, who *served one of the Judges*, used to send in a bill-of-fare of the game; and he was ‘prohibited from putting it in the bill, and he will never have ‘it in his house.’ P. 17. Let the reader compare this culinary forbearance with Mr Hunt’s sketch from the inn at Staines, and he will acknowledge, that as far as encouragement to the poacher depends on the existence of a market, the Judges may plead a set-off against their alleged misconduct on the bench. They at least have not the scandal of provoking and sharing in a violation of the law, and then pouring out its utmost vengeance upon the heads of the wretched culprits, whom the week before they had bribed by their money, and seduced by their example. ‘I recollect going down to Hampshire the year before last, two days before the first of September. I was at Staines; and I think there was a noble Lord, one of your Lordships’ Committee, there, who was the Steward of Egham Races at that time. ‘While I was taking my lunch in the bar at Staines, I heard an order come out of the noble Lord’s room, ordering plenty of partridges for dinner next day; that was the day *before* the first of September. When I came back the next week, I enquired, and I heard that they had sent to London, and had got a plentiful supply of partridges from London on the day before the first of September; so that I think, if it is regarded in that way, poaching will not be altogether abolished.’ P. 56.

The amount of actual offences against the law may be strictly estimated by the amount of the supply. The *convictions* only show the number of those who have been unlucky enough to be found out; the average of which proportion will be very different from that of other crimes, in almost all of which the only question is, who can get first and fastest to the constable. Whereas, in the present case, in agricultural districts, nine-tenths of the small farmers, they being the only persons who, by knowing the goings-out and comings-in of the labourers, could effectually check poaching, are themselves described to be the principal

poachers in the parish; whilst, in manufacturing districts, the poachers, during the last five years, have changed their tactics, and, by mustering in fifties instead of half-dozens, secure a general impunity by their numbers. Fewer than ever are taken. Juries thus far lose the opportunity of showing their reluctance to convict. Offers of reward have no effect. The walls are covered with handbills; but not a person stirs. In regard of this excepted case, it is Ireland in miniature,—hatred of the law, and that law inefficient. Yet the rate of offences under the Game Laws, even thus calculated by that portion of it which falls in with punishment, has advanced more rapidly than those where the crimes committed, and the crimes judicially punished, nearly approach to equality. The total number of persons convicted of crime, at *assizes and sessions* in 1822, was 8209: of these, 97 were for game offences. In 1826, the total was 11,107; of these, 128 were for game offences: The total convictions under the Game Laws *generally*, in 1820, were 1014; in 1826, they were 1450; so that in 1826, the general comparison appears to disadvantage. We have seen no returns of the convictions for 1828. But the comparison in ‘the summary statement of the last seven years,’ leads to stronger inferences. Whilst the total number of convictions at assizes and sessions for 1828, is 11,723, (being an increase only of 116 upon the total of the year 1826, and a decrease nearly of 1000 upon that of 1827,) the portion of this belonging to the Game Laws is (306); being near two-thirds more than the proportion of 1826, (*sc.* 157) and near one-third more than the proportion of 1827, (*sc.* 212.) In 1825, the numbers in jail committed for being armed at night, were, in England 248, in Wales 3, and in Scotland 5. According to the aggregate number in confinement in the several counties of England during the last seven years, the highest annual average of commitments runs; Lancashire, 81; Suffolk, 73; Wilts, 60; Dorset, 58; Nottingham, 56; Norfolk, 43; and the West Riding only 32. These proportions are without any reference to their respective populations. In 1825, 46 persons were confined in Dorset, nine of whom were armed at night. In Wilts 146, of whom 46 were armed at night. Mr Bennet, therefore, scarcely seems borne out in assuming, that the game which comes from Salisbury to London, comes from Dorset, which he considers preserved more highly. By the return of the same year, it appears also that Devizes and Winchester are the only jails where every poacher, without distinction, that is in custody, is also on the tread-wheel; and in both cases by order of the magistrates.

The truth is, however, that these figures are quite useless

as a thermometer for any opinion respecting the state of crime, connected with an offence which meets the privilege of qualification with the counter-privilege of impunity. They only show the public and private wear and tear of mind and money in this additional burden, thrown in upon the already enormous mass of our criminal litigation; the misery inflicted on the families of offenders; the irritation and fatal consequences that may fester, out of a punishment for that which the practice of society, from top to bottom, cannot at present enable those, whose opinions are formed only by habit and authority, to see any thing wrong in. A jail seems to be a school where lectures are given on the doctrine, that game is *feræ naturæ*, and subject to the title of occupancy, ‘Catch, that catch can.’ Mr Hunt says, p. 49: ‘I have generally observed, that those who have been ‘once committed to jail for poaching, have seldom or ever left ‘it off. I have had an opportunity of seeing and knowing a great ‘deal of those men in jail. I was two years and a half in jail ‘in the West of England, and I was not there without making ‘my observations; and I have no hesitation in stating, that a ‘poacher did not consider himself guilty of any moral crime, ‘neither did his fellow-prisoners, or the officers of the jail.’ A witness, who himself, as a Yorkshire poultreyer, used to make from £.300 to £.400 a-year by his profits upon game, attributes another consequence to the feelings that linger after a conviction; namely, that a fourth of the game is now destroyed by malicious persons: Having paid fines, they break the eggs, or spread poison on the land, to kill the cause of their former troubles! He himself, in revenge of an Exchequer process for selling game, cleared his prosecutor’s manor ‘in two years, as clear as it could be,’ by giving 6d. or a ls. more to those who would bring them, and selling them without a profit. This same man considers that three-fourths that is sold, is sold for the purpose of making presents. Notwithstanding the above specimen of temper, we must suppose he made an excellent husband, for he exemplifies his general theory, that ‘God made game,’ by supposing the case of an invalid or longing wife, whose desires you must fulfill. In such case, therefore, the reasoning is, if man’s law interferes, and says you shall not buy it like other things, you are remitted to nature’s law, and may get it as you can. The farmers, who must necessarily give the tone to the class immediately below them, ‘frequently apply to their landlords for compensation, ‘but can get no redress;’ the consequence is, that where they do not take it themselves, their labourers feel, and are felt to be doing them a service. They shrink, also, from the blood that

is spilt at their very doors; and often say, ‘ It is a shame that ‘ some alteration is not made, in consequence of the fights, and ‘ things of that sort, that the papers are full of.’ Mr Hunt’s proposition, that the landlords should make an alliance, offensive and defensive, with them on this subject, was not more naturally, than justly, passed unanimously by a county meeting of Somerset, where from 12 to 15,000 farmers were present. All parties are about equally to blame in the practices which have made this one of those unfortunate excepted cases, that are tried by a self-constituted law of honour, instead of by severer principles. A young beginner, who goes poaching with his father for the first time, soon finds that he is mixed up with higher authorities in this covert violation of the law. Standing at the bottom of the ladder, and looking up at their sanction and participation, the rumoured existence of a latent act of parliament to the contrary, cannot persuade him, that the strange partnership in which he finds himself is a partnership of guilt. He sees that the whole country is of one mind on this subject. The very first people in the kingdom are in league; for they are among the regular purchasers of game. Now, he has learned that the receiver is as bad as the thief; and therefore his catechism may well excuse him for not taking that view of his own proceedings, which would make so many of his betters only the buyers of stolen goods.

If any one would publish a collection of the night affrays, most of which never get beyond the provincial newspapers, and many never into print at all, the public would be startled at the Servile war which has actually been raging in the midst of general peace and subordination. Our campaigns are in our plantations and our parks. Notwithstanding Mr Milne’s advertisement, some few months back, for fresh recruits to his army of keepers,—‘ Wanted, ‘ eight men of courage and character,’ &c.—‘ N. B. Those who ‘ know something of the poachers about Leeds will be preferred;’— notwithstanding that Mr Petre’s forces consist of ‘ twenty-seven ‘ men, armed with pikes and cutlasses,’ this determination on both sides will only make the intermediate contests more terrible and frequent. But the concession must ultimately be extorted from our blood-stained hands. Nothing in Euclid is more certain. Till the law displaces the poacher, by putting an honest man into his shoes, all that individuals can do, is to give up preserving game. At present, bands too numerous for resistance, sweep every manor within distance, as long as any thing is left worth coming for. At Lord Cholmondeley’s, they knocked at the door, challenging the garrison to come out; at Mr Tasburgh’s, near Doncaster, last December, they set guards round the house

whilst they went into the plantations. Government will scarcely make cordons round our park-palings with the troops that Ireland is now about to spare, nor plant their sentry-boxes in our woods. Many ceased to preserve, upon the abolition of spring-guns, although it is in evidence that the poachers never minded them ; for, by some strange perverseness, and as if they too had caught the general spirit of the country, instead of shooting them, they always preferred maiming the keeper or the cattle. Many have yielded since, in consequence of the judicial notice from Mr Justice Bayley. But it is madness surely, as well as inhumanity, to force bold and faithful servants into a pitched battle with Leeds and Barnsley. They who have any fancy for the detail of this most painful part of the subject, will find, in the Report, statements made by the country gentlemen concerning several of the fights ; and they will learn from others, how much more deep and bitter a feeling against the keepers has risen up in the poachers, during the last two years. The life of a Lancashire keeper, at present, is worth about as many years' purchase as that of a Tipperary tithe-proctor before the Commutation Act. The compassion that Sir W. Cooke represents as having been universal, in the case of a most unprovoked and ferocious murder, is a novelty, and an awful one, among a people so unaccustomed to, and so shrinking from, the sight of blood, as the people of England ; since it was compassion, not for the innocent keeper, who was murdered unprepared, and in cold blood, but compassion for the ruffian that murdered him, and absconded.

There is only one remedy. But it is a simple one, unless the squires insist upon other securities than belong to doing justice. Reunite the right of game to that of the other interests in land, by putting an end to disqualifying laws ; and legalize its sale, —cautiously, if you choose, at first, and by means of licensed dealers, deriving title through a proprietor or occupier of lands. When the state of opinion and of practice has once got so thoroughly disordered upon any subject, it is not to be expected that a vote of Parliament, and a few clauses printed by the King's printer, can immediately set it right. All that legislation can accomplish is, in the first instance, to unmake that portion of the evil which the law has made ; and by resuming a fair and natural position, enable us to deal openly and efficiently with the remainder. It is extravagant to imagine that the law, when most improved, can put an end to poaching, more than to any other kind of crime ; but the novel and peculiar character of it may be removed. Game must bear its proportion of fraud

and violence, with other articles of property. Indeed, something more, from its anomalous nature—from the difficulty of drawing a line that shall not appear arbitrary, between what is made property as game, and what is left open, as blackbirds or hedge-sparrows,—and from the evil thoughts, and the facility of executing them, which rise before a labourer returning from his work, at the sight of three or four hundred pheasants, and more than as many hares running about a field by the road-side. The excitement of the sport and the adventure must also go for something; though profit, either for a livelihood, or for a little loose spending money, will lie usually at the bottom,—the party himself may not be able always to answer to himself which is which. Whilst public opinion takes part with the poacher, many will engage in it, who will refrain were this patronage withdrawn. But in counties where wages are 2s. 6d. a-week, the dozen helpers whom Mr Slaney mentions as hired at 2s. 6d. a-night, cannot be expected to be the last. It is not probable that, in England, offences of this kind will ever be reduced lower than the average in Scotland, where, under an undisturbed system of lawful sale for two centuries, and a qualification practically obsolete, depending upon the legal meaning of an ancient word (a ploughgate) which nobody can explain, they have been too inconsiderable to notice. The gentry of Scotland have had in these, as well as with their Poor Laws, the discretion to avoid making them a national grievance. The contagion of bad example, however, spreads; and the number imprisoned in Scotland, in 1825, for offences against Game Laws, was just thirty.

Game might be lawfully sold in France before the Revolution; but the right of hunting, being made a sort of ‘droit réel ‘annexé à la seigneurie et à la haute justice,’ the feudal horror of a *chasse purement cuisinière* would prevent the public from profiting by the technical legality of sale. At the present moment, the people in office cannot make a guess what proportion of the game sold in the market has been lawfully, and what unlawfully killed. The following document respecting the present operation of the French Game Laws, (the principle of which agrees with that of Mr S. Wortley’s bill,) surprised us at first exceedingly; and seemed to show, that however we might hope to dilute the aggravated nature of our offences and of our punishments by the proposed improvements, yet that the experience of our neighbours was not such a precedent, as we had hoped for, to authorize us to indulge any expectation that the number of offences would soon be diminished. Further consideration, however, satisfies us that the circumstances of France and England are so entirely different, that the precedent cannot apply

sufficiently close to justify even the latter apprehension. The Minister of Justice, in 1825, made an official report, for the first time, of the administration of criminal justice in France. The result of the table entitled ‘*Chasse et Port d’ Armes*,’ is as follows :—

The total number of <i>indictments</i> , or accusations, for offences against what we should call the Game Laws, throughout France, amounts to . . . . .	4374
The number of <i>individuals</i> proceeded against, . . . . .	5799
Do.     do.     acquitted, . . . . .	1320
Do.     do.     condemned, . . . . .	4179
Of these have been punished by imprisonment, for less than one year, . . . . .	17
The remainder by fines, . . . . .	4462

The singular excess of offences of this description beyond our own, can have nothing to do, in this matter, with marketable considerations. By the Revolution and the Law of partible Succession, France is broken up into a multiplicity of small properties. In this case, a sort of border war of litigation will readily arise among the several proprietors, if they take to punishing, by retaliatory prosecutions, each other’s trespasses, which, in such minute estates, must be unavoidable every time a man walks out with his gun. Nothing like this, however, can well occur in England, where the land is occupied in farms and properties of much greater extent. In the next place, no distinction is taken between the offences of trespass in pursuit of game, and those of carrying a gun without a certificate; an offence which a small proprietor, when tempted by finding that a covey has lighted in his field, is very likely to commit, although he may have grudged the fifteen francs, the moderate tax at which the privilege of carrying a gun is purchased. We refer to the examples of Scotland and of France, in order to prevent unreasonable disappointments. A great deal will nevertheless be gained, should we be unable to gain all.

It is not, however, by underselling the poacher that we expect to destroy his trade. Nobody would think of rearing game, as commodity, at the price which the poacher now takes for it as plunder; and less would not be a sale at all, but a gift. The landlord and the public must look to attain their object by the help of their new allies. The situation of the small landowner and farmer will be entirely reversed. His new interest will place him immediately among the preservers. As master, he will warn and dismiss the suspected labourer; as occupier, he will apprehend the trespasser; and as prosecutor, witness, and juror, he will carry through the conviction of the prisoner. In the agricultural districts, this will be security enough. In the

manufacturing ones, it is true, such numbers may be always brought to bear on a given point, as to make all resistance impossible, even under a hue and cry. Still, detection and prosecution will be infinitely facilitated; and, let the worst come to the worst, the mischief will be confined to the neighbourhood of the great manufacturing towns,—where preserves have no more business to exist, than in Hyde Park, or among the nursery-gardens of Chelsea. Excitements to crime of so irresistible a description, are what no one is more entitled to set up in such a situation, ‘to tempt the people of Israel to sin,’ than to set a trap in his woods, so baited as to attract the instinct of all the animals of his neighbourhood. There is a moral and political condition in the title-deeds of every estate—that it shall be used according to the interest of society, and not converted, at one’s own caprice, into a public nuisance. If these places of ill-fame are not removed voluntarily to a reasonable distance, one shall better understand the policy of the ancient law, by which nobody could appropriate ‘these establishments to look ‘after and preserve game,’ without an express permission from the crown. The principal co-partners, however, to whose zeal and services the game-producer must now look for waylaying the poacher’s spoil, not so much by anticipating it, as by closing up his *debouche*, are the salesman and poultreyer. The licensing system seems absolutely necessary for this part of the arrangement; and the little addition to the price, which this restriction upon free trade will create, must be submitted to as the only means of making it worth their while to co-operate in sufficiently active and comprehensive measures. The straight-forward evidence given by these witnesses, is very satisfactory in the encouragement which it holds out. Indeed, their conduct seems to have been throughout extremely creditable; especially in the unsuccessful association which they already entered into once, for the purpose of putting a stop to trading in game. It fully entitles them to the public confidence, both in the anxiety they so properly express, to be relieved from the necessity of carrying on an unlawful business, and in the assurances they offer, that they both can and will enforce any law that shall be reasonable enough to be capable of execution.

Having done this, we shall for the future not have the law to blame. Other friends of humanity keep warning us, that if we cannot, by direct enactment, put an end to colonial slavery, nevertheless, by the removal of our penalties from sugar raised by free labour, we might make the traffic in human flesh and human bondage not worth pursuing. In the same manner, if the game-producer is allowed to bring it, like other poultry, directly

to the consumer, it can scarcely continue worth the poacher's while to burn his fingers by tampering with the market, which he can scarcely make answer, even with a close and wasteful monopoly of it secured to him by law. Hitherto our legislature has given us no option. The man who would buy for the consumption of his house a pound of sugar, or a brace of partridges, can only get what has been procured by crime.

Neither rich nor poor can hope to reconcile the contradictory advantages of strongly contrasted periods of life, or of society. All of us, who live long enough, lose the play-grounds of our youth, and have to betake ourselves to more serious amusements. The landlord must put up with high rents and cheaper luxuries, in lieu of the stillness of his ancient solitary reign. The peasant must let the mechanic take him to his Institute, and learn how to make the most of the new interests and pleasures that are rising up over the ruins of the 'Deserted Village' of the poet. The sooner we get our minds and character into fellowship with the wants and the spirit of the age we live in, the better for our usefulness and happiness. And no class has so much inducement as the lower orders to learn this lesson early, since no class can so ill afford to pay the entrance-money which experience levies on its grown-up scholars. They should be taught that it would really be as reasonable to set up a title by occupancy to an acre of land, as to a covey of partridges at the present day. Those odious boards that peep over a hedge, and tell us travellers on life's dusty turnpike, that there is 'no thoroughfare,' or that 'trespassers will be prosecuted according to law,' are in truth but signs of civilisation. We must consent to hail them as such, like the sailor, who, being shipwrecked on an unknown coast, thanked God when he saw a gallows, for having cast him among a just and polished people. The humble classes, whether in town or country, have a hold on the sympathy of every tolerably gentle nature; especially for the way in which they seem displaced so frequently, by the broad movement and inexplicable machinery of a great community. In London, for instance, the poor man has no chance of ever getting a further knowledge what fresh air is like, or what is meant by the country, than the New Road, or Covent Garden market, show him. In the country, enclosures have left him scarce a common for his goose, or a green for his children. It was in vain, however, when the drainage was begun in Lincolnshire, (that county which Henry VIII. called so justly, 'the most brute and beastly shire of all my realm,') that its inhabitants rose up in behalf of the ague and the wild-duck, singing, 'Let's be men, and we'll enjoy our Holland fen.' The Crowlanders were

obliged to submit to the reformation of their land, as they had been formerly to that of their religion. But whatever compensation can be introduced for these privations and exclusions, which seem to raise a disproportionate share of the penalties of civilisation from the pittance of the poor, it is imperative on the justice of society to secure for them education, rational and accessible; encouragement, by all available institutions and examples, to independence, both of circumstances and of character; a clergy, that shall be as often in the cottage as at the hall, and who shall not forget, that Christianity was to be preached especially to the poor; and (not least, nor last,) an earnest watching of the times, and a daily interrogating of every law in its connexion with the condition, feelings, and tendencies of the people. Thus alone can our Legislature be spared the abomination of positively creating the crimes it punishes; and of sowing, in the form of revolting statutes, those dragon's teeth, which rise back upon us in the shape of desperate and armed men.

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ART. IV.—*The Planter's Guide; or a Practical Essay on the best Method of giving immediate Effect to Wood, by the Removal of Large Trees and Underwood; being an attempt to place the Art, and that of General Arboriculture, on Phytological and fixed Principles; interspersed with Observations on General Planting, and the Improvement of Real Landscape; originally intended for the Climate of Scotland.* By SIR HENRY STEUART, BART., L.L.D. F.R.S.E., &c. Second Edition, greatly improved and enlarged. Edinburgh and London, 1828.

**T**HIS is in every way a very valuable and meritorious work; abounding with curious learning and ingenious remarks, but still more full of practical information, useful precepts, and necessary cautions, delivered with an earnestness, copiousness, and precision, that must recommend them to readers of every description. It is perhaps a little too long—as what book is not?—the style a little too ambitious, and occasionally finical; and the tone somewhat fantastically compounded of artificial self-abasement and natural self-complacency. But these are small drawbacks; which it would be invidious for any one but a professed critic (to whom it is not optional) to take notice of; while it would be unjust, even in that critic, not to acknowledge that the book is not only learnedly but agreeably written, and may be read with pleasure by those who do not intend to plant, as

well as with profit by those who do. It would be a truly marvellous work for a mere country gentleman. But we have met Sir H. Steuart of old, if we do not mistake, as an author of scholarly fame; and while we are happy to see that he can yet communicate to his Georgical lucubrations so much of the grace and attraction of his former studies, we are still better pleased to find that the greater part of his book is the result, not of study, but observation, and rests its chief claim to distinction on being the faithful and luminous record of actual experiment, and long and systematic practice.

Its great object is to show how trees of almost any age, and certainly of any age under forty or fifty, may be safely and cheaply removed, and continue to thrive in their new situations: and to us it appears that it does show this, in a very curious and satisfactory manner. The author's exposition of his principles and his practice, is in the highest degree interesting and instructive: Though almost all that is original, in the general view, may be comprised in the three great maxims,—of choosing proper subjects for removal,—leaving the head and branches altogether unutiliated,—and being very tender and careful both in the preparation and the handling of the roots. The sound and simple principle to which all these maxims refer, is, that every part of a tree is useful to every other part: that the growth and strength of *the roots* depend as much on the juices which are elaborated and returned to them by *the leaves* and branches, as these do on the primary aliment that is transmitted to them by the roots: and that the latter do not contribute more to the stability of the stem, by their steady ground-tackling and extended anchorage, than the former by their aerial balance and adjustment. It is wonderful to what a range of ingenious deductions, and practical applications, this simple principle is here found to give birth; and how agreeably and usefully the author has contrived to amplify it over five hundred pages of observation and detail,—going back, of course, to the mysteries of germination, and the analysis of soils and exposures, and forward to the management of grown woods, and the methods of retarding natural decay,—diverging into descriptions of machines, composts, and enclosures,—and blending up the whole with calculations of expenses, details of particular experiments, refutations of prevailing errors, admonitions as to the picturesque, and predictions as to the silvan glory of succeeding generations.

For our own parts, we must confess that we are not disposed to be particularly eloquent, poetical, or patriotic on the present occasion; and do not feel at all in the humour to indulge our idle readers with sonorous sentences, either about old Evelyn, or the

wooden walls of England,—the magnificence of forest glades, or the generosity of planting for a grateful posterity. We shall content ourselves, therefore, with laying before our readers a slight sketch of the history and progress of the art of planting and transplanting, and with bringing together some of the more curious and important particulars contained in the volume before us.

Plantation is not one of the primitive occupations. In the rude stages of society, and while men are few, trees are always too numerous; and our first concern with them is to diminish, and not to increase, their numbers. The first planting was probably for fuel, when the clearing had been imprudently carried too far; and the next, in hot climates, for shade. There might be a resulting beauty; but, even if perceived, it probably was not intended; and we may be very sure there was no landscape gardening. We have little guess what the gardens of Ninus and Semiramis were like. Those of Alcineus and Laertes seem to have been principally orchards; and the parades of the Persians pretty much the same—close plantations, well walled in, with the trees at regular distances. There are some traces of philosophical speculation among the early Greeks; but nothing very sound or substantial. Empedocles seems to have been the first who ascribed sexes to plants; and having endowed them not only with life and sensation, but with desires and passions, may therefore be regarded as the original author of their ‘Loves.’ Democritus investigated the cause of vegetable tastes and odours, which he attributed to *the form* of their primitive particles; the sweet being large and round, the bitter small and angular. In truth, however, there is nothing at all considerable to be found in learned antiquity on these subjects, till we come to Theophrastus, the disciple and successor of Aristotle; who, being duly initiated in the principles, and embued with the sound learning, of his great master, applied himself to the investigation of the vegetable kingdom, and produced two very remarkable works; the one entitled Περὶ Φυλῶν Ἰσθμίας; the other, Περὶ Φυλῶν Αἰγαίων. In the former, he attempts to describe and arrange the plants then known; and in the latter, to account for the phenomena of vegetation. Both his botany and his physiology are of course extremely imperfect; but they are curious, and present us with an interesting memorial both of the knowledge and the philosophy of his age.

Thus, while he points out, with sufficient precision, the various modes of vegetable propagation, as by seeds, buds, or runners, he also lays it down as quite certain, that plants are occasionally propagated by what has been called equivocal generation; springing up spontaneously out of the earth, from the

mixture of moist and dry particles, or from putrid and decaying substances lodged in the soil. The doctrine of the sexes of plants is also recognised, though not upon the principles now established. The tallest and stateliest he holds to be males; those of the most rapid growth to be females; though the former are said sometimes to bear fruit as well as the latter. The efficacy of caprification is accounted for thus:—The gnats that perforate the fig consume the superabundant moisture, and let in at the same time a free supply of air, so that the fig can now, as it were, breathe; and so it ripens! Parasitical plants are thought to spring from corrupted matter generated in those on which they grow; and the transmutation of one species into another, as of wheat into darnel, which is implicitly believed, is thought to be owing to a sort of corruption of superabundant juices in the plant degenerating. Though this is not very good philosophy, there are many acute remarks, and the record of many judicious experiments, in Theophrastus. We have, for example, a very intelligent account of the effect of the topping of beans in cultivation; of the stripping of a ring of bark from a tree, and even of the extracting a portion of the *pith*, with a view to ascertain the consequences on the health or fertility of the plant. He has also a great variety of judicious remarks on soils, manures, seasons, cultivation, grafting, and diseases, the greater part of which will stand a comparison even with the best agricultural maxims of the present times, except in as far as husbandry has been elucidated by chemistry.

The Romans, after the introduction of the arts into Italy, became learned in a manner; and were certainly fond of gardening. They seem, also, to have admired shady and ornamental trees; and their princes and luxurious senators appear even to have attempted their transplantation. But we have no reason to think that they proceeded on scientific principles; and we gather, indeed, from the few accounts that remain, that they thought the mutilation of the plant an indispensable preparative for its removal. The learning of the dark ages was not botanical, nor of the first ages succeeding the revival of learning; though the study of plants was not neglected: For even Bacon seems to have had but very vague ideas on the subject, and to have advanced but little beyond the sphere of Theophrastus. If we look into his *Sylva Sylvarum*, we shall find, that he too supports the doctrine of equivocal generation; and quotes, as worthy of belief, the transmutation of barley into darnel, or wild oats. The mistletoe, he thinks, is not produced from seed, but from superabundance of nourishment in the parent tree; and mosses that grow on trees are said to be nothing more than

a sort of excretion of juice, which the plant cannot assimilate.

But though Bacon gives but a lame account of the phenomena of vegetation, he has preserved, like Theophrastus, a record of some curious experiments, which show, that the spirit of enquiry was again revived; he succeeded, at least, in pointing out the means of successfully pursuing it to others; and, accordingly, we find that a variety of phytological experiments, founded on the principles, and modelled on the method, he had so powerfully recommended, were instituted soon after the publication of his works, and followed by the happiest results. The two most distinguished of the phytologists of that period were Grew and Malpighi; the latter an Italian, the former an English physician. They had no mutual intercourse, and yet their experiments and observations are so nearly alike, that the one might seem copied from the other. The characteristics of both are minute and accurate observation, careful experiment, and cautious deduction from a large collection of instances. Hence, we find, that no organ of the plant escapes their inspection—roots, trunks, branches, leaves, flowers, fruits with their appendages, are all subjected to the most rigid and minute scrutiny; as well as those parts and organs which are discoverable only by the dissection or anatomy of the plant; the pith, the wood, the bark, the epidermis; together with the fibres, tubes, membranes, into which they are further separable. This inspection is followed by a careful enquiry into the respective uses of each, in the economy of vegetation; which is ascertained by watching, with the most unwearyed assiduity, the phenomena of vegetable life—the functions of the several organs of the plant—the ‘latens processus naturæ, in casu ubi fit inquisitio ex quibus initii, et quo modo, et quo processu herbae generentur, a primis concretionibus succorum in terra, a seminibus, usque ad plantam formatam, enim universa illa successione motus, et diversis et continuatis naturæ mixibus.’ (Nov. Org. lib. ii. aph. v.)

It was by such patient and cautious investigations, that our phytologists thought themselves at last warranted to conclude, that the pores of the epidermis covering the root, are the organs destined for the absorption of the moisture of the soil; that the longitudinal tubes of the *alburnum*, are the vessels through which the sap ascends; that the spiral tubes are *tracheæ*, or air vessels; that the leaves are lungs, or organs of elaboration; and that the proper juice, descending between the wood and bark, is the substance, out of which the new layer of wood and bark is formed. Malpighi, to be sure, ascribed the ascent of the sap to a contraction of the vessels conveying it, which he presumed, but

on very equivocal grounds, to be furnished with valves, to counteract the effects of gravitation : and Grew ascribed it to the volatile nature of the sap itself, aided by capillary attraction. The latter was unluckily misled, by the prevailing philosophy of the times, to ascribe too much to the agency of nitrous particles, and of fermentation—an agency, in reality, far more obscure than the thing to be explained. Malpighi, on the other hand, had a passion for tracing out analogies between the functions of the different animal organs, and those of the vegetable subject ; and it must be confessed, that he has often succeeded. In investigating the process of the generation and growth of the seed, he has carried this principle to the greatest length ; and has found similar parts and similar membranes in both, developed in a similar order—the ovary, chorion, umbilicus, sacculus coliquamenti, amnios, embryo, &c. In describing the parts of the flower, he speculates also upon their uses, and represents the stamens and anthers as being merely excretory organs, and the pollen as the substance excreted. He may be said, therefore, to have failed in assigning a function to the stamens. But Grew was more lucky ; for either he had conceived of himself a correct notion of the true use of the pollen, or he acquiesced in it as soon as it was suggested. His own short account is as follows :—  
‘ Our learned Savilian Professor, Sir T. Millington, told me that  
‘ he conceiveth the attire (stamens) doth serve as the male, for the  
‘ generation of the seed. I immediately replied that I was of  
‘ the same opinion, gave him some reasons for it, and answered  
‘ some objections which might oppose them.’ (Grew’s Anat. b.  
iv. chap. vi.) This, we think, was the first glimpse of the true and proper use of the stamens, and it may be dated about the year 1676. The conjecture was not lost sight of by contemporary or succeeding botanists. Ray, Camerarius, Geoffry, Vailant, all adopted the opinion, and added something in corroboration of it. But still the fact was not established upon the sure foundation of induction, till the happy appearance of a Genius qualified to accomplish the arduous task,—namely, the celebrated Linnaeus, the undoubted prince of botanists ; who, by collecting into one body all the evidence of former observations, and by adding much that was original, nothing concealing, nor setting down aught in exaggeration, solved at last the important problem, and proved, beyond all controversy, the fecundating agency of the pollen, and the universality of the Sexes of plants. Such was the fruit of his industry, and the triumphant result of his steadfast adherence to the golden rule of the great experimenter :—‘ Siquid subsit in aliquâ narratione dubii, vel scrupuli, id supprimi aut reticeri omnino nolumus ; sed planè et

‘perspicuè adscribi, notæ aut moniti loco ;—cupimus enim, historiam primam, veluti facto sacramento de veritate ejus in singularis, religiosissimè conscribi, cùm sit volumen operum Dei, et tanquam Scriptura altera.’ (Parascue ad Hist. Nat. et Exp. aph. ix.)

We cannot stop now to enquire into the merits or defects of this celebrated system, or to compare it with the rival or more natural system of Jussieu; and can only notice, in passing, the distinguished names of Hales, Bonnet, Dubhamel, Hedwig, Spallanzani, Mirbel, Knight—each of whom, following in the path opened up by Grew and Malpighi, has individually signalized himself in the field of phytological investigation, and eminently contributed to the advancement of the science. By their labours, in short, the laws and phenomena of vegetable life have been so minutely explored and thoroughly investigated, that, in so far as the mere facts are concerned, our knowledge may be said to be nearly complete. One of the earliest among them indeed, Du Hamel, seems to have watched and recorded almost all the important phenomena; the irresistible *descent* of the radicle, and *ascent* of the plumelet; the peculiarities of the growth of roots and stems; the origin of buds and branches; the ascent of the sap, and the descent of the proper juice; the irritability of the vegetable subject; and the action of light and heat, together with the causes of the fall of the leaf, and the natural decay and death of the plant.

These enquiries, however, it will be observed, regard only the *physical* phenomena of vegetation. The *chemical* phenomena had not yet been attended to; though plants had been often subjected to the investigations of the chemist. But the first experimenters seem to have had in view nothing beyond the mere analysis of their constituent parts, or rather of their medical properties; which they endeavoured to ascertain by means of the processes of infusion, decoction, evaporation, distillation, and combustion, torturing the vegetable subject in every possible way, and making much use of the crucible. It cannot be said that their researches were altogether unprofitable; but certainly they did nothing to elucidate the phenomena of vegetation. The key to that mystery may be said to have been first found by Priestley, when, about the year 1771, he discovered the extrication of oxygen gas by the leaves of plants, when exposed under water to the rays of the sun. The path thus opened was afterwards successfully explored by Ingenhouzz and Senebier, who extended their researches to a variety of other phenomena; and from that time chemical phytology has continued to attract the notice of almost all chemists of distinction, among whom we may

particularly mention Lavoisier, Foureroy, Vauquelin, Gay Lussac, and Thenard, in France; and, in this country, Chenevix, Thomson, Ellis, and Davy. But the individual who, after Priestley, has perhaps the strongest claim to originality in these investigations, is Saussure the younger; who, in the true spirit of the Baconian philosophy, has watched and investigated, not merely the phenomena of vegetable life, but even the phenomena of vegetable death and decomposition; demonstrating the peculiar and indispensable agency of oxygen in the germination of the seed; the absorption of moisture by the root; the ascent of the sap; its elaboration in the leaf, by the alternate inhalation and extrication of oxygen and of carbonic acid gas, by night and by day; the decomposition of water; the descent of the proper juice, and its conversion into wood; and, lastly, the primary principles of which plants consist, or to which they may be reduced—carbon, oxygen, and hydrogen. Further, he leans to the opinion of the ameliorating influence of vegetation on the air of the atmosphere, as originally maintained by Priestley.\* Finally, the discoveries of M. Dutrochet have thrown a new light on the whole economy of vegetation, in several of its most recondite departments; and have suggested a more plausible theory of the formation of the wood, and of the progression of the vegetable fluids, than any other that has yet been suggested: The former being effected, according to this ingenious writer, by the *union* of the sap and proper juices meeting, by lateral transfusion, between the wood and bark; and the latter, by the agency of the two electricities, without, however, producing any thing that can properly be called a *circulation*.

In this advanced stage of phytological knowledge, it was time that we should have a 'Planter's Guide;' and it is due, we think, to the ingenious author before us to say, that this work may be regarded as the *first attempt that has ever been made to apply the principles of the science, to the advancement of the art, of Planting.* He begins with a little history of what had been

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\* We are aware that several chemists of distinction have lately maintained an opposite opinion; and especially Mr D. Ellis, in his Treatise on the Respiration of Plants and Animals. But, as his experiments are regarded, by no less an authority than Sir H. Davy, as having been conducted under circumstances unfavourable to accuracy of result, and as some counter experiments are brought forward in opposition to them by the same eminent chemist, (Agricultural Chemistry, p. 195,) we cannot regard the opinion of Priestley as being yet fairly refuted.

done in former times, in the arduous work of transplanting mature subjects ; and informs us, that ‘the removal of large trees has been practised in Europe, or its dependencies, for nearly two centuries. It seems to have come in vogue among the great and the powerful, sometimes for the purpose of concealing a defect in their formal gardens, or, perhaps, for supplying or prolonging a favourite vista. But it was, for the most part, a mere display of expense and labour, adopted without plan, and executed without skill or science.’ P. 29. The first grand example seems to have been set by Count Maurice of Nassau, at his residence in Brazil, where he was governor, in 1636. Here he converted a dreary waste into a magnificent garden, to which he removed, by transplantation, no less than 700 cocoa-trees, some thirty, some forty, and some fifty feet high. They succeeded beyond all expectation ; ‘and even bore fruit the *first year* after their removal.’ Sir Henry thinks we might ask what they did the second year ? which is always much more critical. Besides, all this was effected in a tropical climate, unaccompanied by the chilling colds of higher latitudes.

The next great planter, or rather transplanter, was Lewis XIV. of France, who effected in this way stupendous changes on the face of nature at Versailles, and at other royal residences. His ends, however, seem to have been accomplished by the mere force of expense and mechanical science. Enormous machines were constructed ; and various large trees, after being well lopped, were transported upon them to considerable distances. But as in the victories of that monarch we hear but little of the thousands that fell, so we hear nothing of the many brave trees that must have perished under the operation of transplanting, as practised in that day.

According to Evelyn, the practice of transplanting in the French way came into use in England about the middle of the seventeenth century. It was greatly improved, in the time of Charles the Second, by a Lord Fitzharding, who seems to have first adopted the admirable expedient of digging round the tree intended for removal, a year or two before it was raised. But the study seems to have been afterwards left to languish ; till it was taken up by Brown, the well-known Professor of Landscape Gardening, towards the middle of the last century. Brown’s practice was pursued by White and Robertson, his pupils, and extended to both Scotland and Ireland. Some subsequent improvements were introduced by Boucher and by Marshall, who both wrote treatises on the art ; but whose practice was still infested by the hideous and indelible blot of mutilation ; the deformity and absurdity of which seem to have been first fully

perceived by Millar, and are severely reprehended in his Gardener's and Botanist's Dictionary. This was a most important improvement; but unluckily, that ingenious author set himself decidedly against all transplanting whatever, whether of young trees or of old; contending, that every tree, to reach the perfection of its species, should be raised at once from the seed, and that all removal is mischievous.

It was this startling proposition, together with his aversion to lopping, that first roused the activity of the author before us, and led him 'to seek for some general theory or principle which, 'if founded on the laws of nature, as affecting woody plants under different circumstances of climate and soil, might serve to regulate and improve the practice of transplanting.' P. 76.

Availing himself of the light that had been thrown upon the phenomena of vegetation, and the laws of vegetable life, by the distinguished phytologists of modern times; and following out their suggestions by observations and experiments of his own, he soon became satisfied that the healthy and entire condition of every part of a plant is indispensable to the health of the whole; and that the varieties which distinguish this healthy condition in different situations, were the sure indications of the properties which each situation required. Thus each individual tree is furnished with a root, stem, branches, and leaves—the root fixing it in the soil, and giving it stability; the stem giving it elevation; and the branches and leaves giving it form and beauty: The root at the same time imbibing, the stem and branches conveying, and the leaves elaborating, the requisite nourishment. If the root suffers, therefore, the branches suffer also; if the branches suffer, so does the root; so that the root cannot say to the branches, 'I have no need of you;' neither can the branches say to the root, 'We have no need of thee.' Thus also he observed, that if trees are much shaded from light, or screened from the action of the air, as in the interior of woods, they send up a slender stem, of undue length, and with but few roots and branches. They have acquired a peculiar temperament, and are tender and delicate in their constitution. But trees that are exposed to the cold and stormy blast expand more in width of stem, and less in length; exhibiting the appearances of health and vigour, and are well furnished both with roots and with lateral branches. They also have acquired a temperament; they are stout and robust.

The result of all these observations was, that trees most fit to be transplanted are such as grow in open exposures, and possess the following characteristics: Bark thick and coarse—Stems stout and short—Tops extensive and spreading—Roots extensive, and spreading like the tops. These characteristics our

author has designated by the name of *Protecting Properties*; and he regards them as indispensable pre-requisites for transplantation. Trees that are the least fit to be transplanted, are such as grow in close and sheltered situations, and possess the opposite characteristics: viz. Bark glossy and beautiful—Stems upright and stately—Tops small, and thinly furnished with branches—Roots spare and scanty, but in proportion to the tops. These characteristics are designated by the name of *Non-protecting Properties*, and are represented as disqualifying the plant for successful removal. If due attention be paid to the above characteristics in the selection of subjects, Sir Henry assures us, that ‘the necessity of defacing or mutilating the fine tops of trees will be entirely superseded; and that we shall obtain at once, by transplantation, what the art, as hitherto practised, has not been able to obtain for us,—trees complete and perfect in all their parts.’ P. 99.

Such is the simple principle of the improved art of transplanting; and which may at once be reduced to practice, even by those who do not understand the reasons on which it is grounded. But our author is anxious, of course, to justify his maxims by the fullest investigation of the views on which they rest: And if any less docile pupil should ask, *why* he should select trees with a rough and thick bark—he will inform him, that the bark, which consists of several layers of different qualities, is destined to protect the interior parts of the plant from external injury, and is furnished with the property of accommodating itself to the circumstances in which it may be placed; remaining still smooth and tender, if well sheltered from the weather, but acquiring strength and solidity, if exposed to the action of the storm. Thus it is rendered a fit covering for the plant during the colds and inclemency of the winter, when vegetation is apparently at a stand, as well as a defence against sudden changes of temperature in spring, when the sap begins to *ascend* through the tubes of the alburnum, and the proper juice to *descend* through the returning vessels of the inner bark. For the same reason, a thick and coarse bark is necessary to the tree that is transplanted; as the transplanting of a tree, besides giving a shock to its general constitution, generally implies the condition of increased exposure—a condition having a tendency to impede the motion of the vegetable juices.

But what, the curious pupil may next ask, is the nature of this motion? Is it the motion of a peculiar and circulating fluid, as in the animal subject? or, is it a libratory, or alternate motion of any other description? We perceive that Sir Henry leans to the belief of a perfect circulation: And though he admits that

Du Hamel refuted that doctrine as it was then taught, he thinks it has been 'revived and improved by the patient investigation and accurate experiments of Mr Knight, as well as cleared of all ill-founded analogy to animal life.' We are afraid that this is clearing away rather too much. For if it is not a circulation, similar to that of animals, the contest is only about a name.

That there is *a motion* of fluids no one denies; and our author's theory and practice require no farther specification. It is admitted, that is not akin to the circulation of the blood in animals, by the action of a beating heart. And what, we would ask, are the proofs that there is any *circulation* at all? Where is the propelling organ? Where is the centre of action? Corti saw a fluid in motion; and Wildenow inferred that a circulation must exist. But still there is not a particle of evidence. Even Mr Knight's observations appear to us quite inconclusive: For surely the propulsion, by the ascending sap, of a few particles of inspissated proper-juice, that may have been lodged in the alburnum of the preceding year, is but a slender foundation for the doctrine of a circulating fluid: and the still later observations of M. Dutrochet are decidedly against it. But to proceed.

If the inquisitive planter should next ask, why he is to select trees with short and stout stems?—the answer is, because it is on such stems only that there is to be found a copious supply of side branches, without which the proper juice could not be elaborated, and which are the only adequate means of giving stability to the tree; props, supports, cordage, being of but little avail in comparison. Hence the *largest* headed tree, if well balanced, is—however paradoxical it may seem—the *best* calculated, on removal, to resist the winds: For the tree that is well furnished with branches, is also well furnished with roots, and in the same proportion. If the roots are much ramified, so are the branches. If the branches are much ramified, so are the roots—and if the branches are lopped, the roots will decay in a still larger proportion.

But is there such a thing as a tap-root; or who has ever seen one? Mr Knight says he inspected some hundreds of oaks, without meeting with a single tap-root among them all. But other physiologists have been more lucky. Du Hamel, in taking up some young oak trees, that had been planted in a poor soil, found that the roots had descended to a depth of almost four feet, while the height of the stems was not more than six inches. These, surely, were tap-roots. Forsyth, as quoted by Sir Henry, had also seen tap-roots, and represents them as possessing a capacity of renewal, after having been cut off. Sir Henry gives his own testimony to the same effect. 'While the tree continues in full vigour, and has not yet attained its ultimate height, it has a lead-

'ing shoot or shoots at the top ; and at that period, we find that 'there is, in like manner, underground, a leading tap-root of 'corresponding vigour.' P. 126. 'In sundry instances, when I 'have had occasion, for the second time, to remove a tree, the 'power of renovation appeared conspicuous, in the fresh set of 'the tap-roots that was generated.' P. 127. We might add our own quota of testimony, if it were necessary : Of two young oak plants that had sprung up from acorns, accidentally dropt in a garden, one measured eight inches in the stem, and the other nine ; and each was furnished with a tap-root, of the same length respectively. A woodman, on whose veracity we can rely, affirms, that he once, as a matter of curiosity, traced the tap-root of an oak tree that he was grubbing up to the depth of *eight feet* : But his patience failing him at this point, he cut the root asunder, when the upper end of the portion left in the ground was still as thick as the handle of his spade. After all, if a plant has ever had its tap-root cut off, as in the case of oak trees transplanted when young, we doubt much whether it will ever again protrude a tap-root, that shall be conspicuous ; and it must have been the roots of such trees that Mr Knight inspected.

By these, and by similar investigations, our author demonstrates the propriety of his practice, and guards the student from falling into the errors of ignorant and injudicious planters. These errors are, first, The non-adaptation of trees to their proper soils. The same soil that suits the sycamore or the lime-tree will not suit the oak or the elm ; and yet 'nine planters out of ten' will plant the same trees indiscriminately in every soil. Secondly, As to the taking of a supply of subjects for removal, from close woods and plantations, 'As well might we bring forth the native of 'the burning plains of Asia or Africæ, and in the light attire of 'those tropical climates, expect him to endure a British winter.' P. 154. Thirdly, The setting out of plants of too diminutive a size into the open field. Young plants, like young animals, require care and shelter, and must not be exposed at too early a period to the chilling blast. Fourthly, and principally, The mutilating of the individual to be transplanted. But Sir Henry must speak for himself.

'We will suppose that a planter, according to the mutilating method, is to remove, to an exposed situation, a tree eight and twenty or thirty feet high, and three feet and a half in girth, at a foot from the ground. We will suppose further, that it displays the most perfect symmetry of form, having an expansion of top from five and twenty to eight and twenty feet, with boughs depending to within three or four feet of the ground. Such a tree we may consider as a very handsome subject, and such as has frequently been removed at this place.' [Allanton Park, Lanarkshire, N. B.]

'Having prepared the roots, according to Lord Fitzharding's method, three or four years before, and taken them up as well as he can, perhaps

seven feet out from the stem, (which, according to Marshall, is well rooted for its height,) we will suppose that this planter then proceeds to lighten and lop the top, in order to reduce it, as the same intelligent writer recommends, "to the ability of the roots." We will, moreover, take it for granted that he deals mercifully with this beautiful tree, and cuts away only a half, or a third part of its boughs, and thus transfers it to its new situation. Under these circumstances, we may presume, that some Props or Fastenings, whether of wood or cordage, may be requisite, especially about the equinox, to preserve the tree in an upright position. Now, will not all the evils ascribed by Millar to the mutilating system, independently altogether of picturesque considerations, soon begin to assail it? Having the roots and top, which are both conservative organs, curtailed and injured at one and the same time, the supply, not less than the preparation of the sap, is completely impeded. From the obvious want of leaves sufficient to elaborate the sap, and the equally striking want of branches to communicate nourishment to the stem, and ultimately to the roots, the whole tree, in most instances, becomes stunted and paralyzed. Pale and yellowish tints supply the place of a deep and healthful verdure of foliage, and the larger boughs, as well as the light spray, gradually decay and drop off. Even in cases which are the most eminently successful, and where the tree fortunately escapes these mischances, fifteen years, as I conceive it, in the best English climates, and twenty, and five and twenty at least, in the northern counties, and in Scotland, are scarcely sufficient to replace the amputations with fresh wood, and to restore the tree to its natural health and strength.'

'On the other hand, we will suppose the same planter to transfer a tree of similar description and dimensions to a situation of similar exposure, but according to the Preservative method. This tree being a subject of uncommon beauty, as above described, and having a head of more than five and twenty feet broad, strong roots of fourteen or fifteen feet of a side, instead of seven, are taken up with it, together with abundance of the minutest fibres, after a peculiar method to be explained in the sequel. Instead of lopping and defacing the top and side branches, the whole are left untouched, and their fine symmetry is preserved entire. Transportation of the tree to its destined site then follows; where, after being replanted according to a peculiar method also, productive of stability in an extraordinary degree, it is found capable of resisting the wind, on the simplest principles, namely, the acquired steadfastness of the stem, and the length and distribution of the roots, added to the balance of an extensive top, from whatever quarter it may blow. After the first, or at all events after the second year, the deep hue of health and fulness of leaves, which the tree formerly displayed, again return; and while its foliage glitters in the sunshine, and floats on the breeze, no eye can distinguish whether it has been two years or forty in its new situation.'—P. 140 to 144.

Is pruning then to be absolutely prohibited? If you banish it from the park, where the object is ornament, will you also banish it from your other plantations, where the object is profit? If you forbid it in the case of trees removed, will you forbid it also in the case of trees not removed? We would answer, that all

pruning is not to be absolutely prohibited. It is a practice that may still have its use, if used discreetly, and as a means to a particular end. Without it, indeed, we cannot well have straight and lofty stems, nor timber for long beams, planks, and other useful purposes; and, under very strict limitations, it may be admitted even in the park, as well as in the case of trees transplanted. Sir Henry permits, and approves of, what he denominates *Terminal lopping*; that is, the removal of the terminal shoots, or buds only, as circumstances may require. All other methods he thinks ineligible. But, if branches are ever to be removed, the least pernicious method, we take it, is by lopping them close to the stem, where the wounds are generally cicatrized and covered up by the bark; whereas, when a stump of the branch is left, it is almost sure to decay, and to infect the stem itself with its rottenness. But, if the practice of severe lopping be pernicious when applied merely to the branches, it must be doubly pernicious when applied both to branch and root. The vulgar apology is, that it lightens the tree, and leaves it less to provide for: as if the power of providing was in the passive and inert stem—and as if the leaves and branches, thus injudiciously destroyed, were not the very organs destined by nature, to prepare and convey to the root the nourishment necessary to its growth and stability.

What then is the planter to do? He is to consult the wants, habits, and temperament of the plant; and yet even these he is not to consult too servilely or too scrupulously, in the case of any individual removal. If there is a particular point to be gained, the practice may be somewhat relaxed. It may even be in some things reversed. Thus, if a tree to be transplanted has shown what is called a weather side, the usual practice has been to turn the weather side to the weather still. Hence it has been the certain means of perpetuating deformity; as all trees having a weather side are more or less deformed, by having the longest and stoutest branches on the sheltered side. What has been the practice of Sir Henry in this critical case? Quite the contrary. He has reversed the aspect of the plant; and his practice has been crowned with complete success, upon the principle of transferring the greater activity of vegetation to the now sheltered side, and thus producing an equal balance of parts, and restoring the beauty and symmetry of the tree.

Still, in the case of all removals, the *Protecting Properties* are to be sedulously looked for; and where they do not already exist, the planter must endeavour to create them; and that by the due preparation either of the roots, or of the stem and branches. The preparation of roots seems to have been first practised by

Lord Fitzharding, in the time of Charles II. It had been observed that roots always extend themselves in the direction of the best soil, or of the soils which they can most easily penetrate; and upon this principle, we presume, his Lordship proceeded. The methods employed were two. In the first, the operation began by laying bare the roots, and disengaging them from the soil, or cutting them off at some given distance from the stem. The stem was then forced down on one side, till the tap-root appeared, which was entirely cut off, and then the tree was again restored to its upright position, and left standing for a twelve-month or more, till it was prepared for ultimate removal, by a fresh growth of roots and fibres, pervading the now loosened mould that was again returned into the pit. If the second method was employed, the tap-root was not disturbed; but four main roots, lying in the form of a cross, were selected and preserved, and the intermediate roots only cut off. The mould was again thrown into the pit, and the tree left standing for a year or two, when it was finally taken up for transplanting, ‘with as much of the clod about the root as possible.’ The first of these methods Sir Henry has never practised, having, as we believe, no particular prejudice against tap-roots: But the latter he has adopted, and modified, and improved; and it passes very cur-rently under the name of Sir Henry’s method.

Yet in cases of a certain character, Sir Henry employs a method that is peculiarly and entirely his own. Instead of digging among and disturbing the roots, a cart-load of peat compost, or of coal ashes, is to be taken, and intimately mixed with four or five cart-loads of any tolerable soil, till the whole is loose and friable. The mixture is then to be spread around the tree in a sloping direction from the stem to the extremity of the roots, or graduating from twelve to four inches in depth, and left to be entered by the genial rains of spring, carrying with them the fertilizing principles of the atmosphere, and fit nutriment for the plant. ‘Thus excited, the fibrous roots, which always strike upwards, will, during the first year, nearly pervade the mass, and the tree itself be in a proper condition for taking up after the third or fourth season.’—P. 218.

The preparation of stems and branches is best effected by clearing them of all undue shelter, and exposing them freely to the action of the atmosphere. Groves and plantations of the age of twelve or fifteen years, if judiciously and gradually thinned, so that the tops shall not interfere, become excellent nurseries; and will, in due time, produce subjects fit to be transplanted into any situation whatever. But even when a tree has been thus prepared for removal, it may happen, that the soil to which it is to be transplanted, may itself require preparation.

On this subject, Sir Henry describes the character, and enumerates the ingredients, of the several species of soils of which the surface of the earth consists, as distributed into the sandy, the gravelly, the chalky, the clayey, the loamy, the peaty. They are not all equally suited for the purposes of the planter. They are often faulty in the proportion of their parts; and where any specific ingredient exists in excess or in defect, it must be added or retrenched by the industry of the planter. This may be done either by the judicious mixing of one species of soil with another; or by the deepening and pulverizing of the natural soil; or by the application of manures; or by draining:—the *rationale* of all which operations, as affecting the amelioration of the soil, and fitting it for the reception of the plant, Sir Henry very clearly and concisely expounds. Draining clears away all superfluous moisture; the application of manures, or of soils of a different species, gives the due proportion of component parts; and the deepening or trenching of the soil, gives it permeability and pulverization. The best of all manures for general application, is that of the Peat compost, discovered by the late Lord Meadowbank, mixed up with a third part of fresh farm-yard dung; and the best method of trenching, or double-digging, we believe to be that invented and recommended by Sir Henry. He describes it thus:—

' I conceive that I have made a considerable improvement on the ordinary method of Trenching, or double digging of ground, whether for horticultural or arboricultural purposes. Common gardener's trenching is often a mere turning up and turning down of the soil, in regular strata, without effecting any pulverization or comminution of the parts; and although it deepens, it generally does nothing more, especially when the trenching is done on grass grounds. The method which I have practised, with great effect, for twenty years past, I can much recommend to others. In trenching eighteen inches deep, (and any thing less is of little use,) instead of keeping the bottom of the trench eighteen inches wide, or, as it is generally done, only a foot, I would have it kept *two feet wide*; and instead of executing the two spits deep successively, with a regular shovelling after each, I would have three spits executed, without any shovelling, but with a good Scotch spade, (as it is called,) of which the mouth is at least ten inches in length. The solid side of the trench is, of course, cut perpendicularly; but the loose side or face of the work, should be kept at a slope, or angle of not less than fifty or sixty degrees, in such a way, as that in throwing on the contents, the surface may crumble down, and in some sort mix with the entire mass excavated.'—(Note iv. p. 464.)

The above is Sir Henry's method of trenching for arboricultural purposes, in general; but it has been found to be peculiarly efficacious for the banishment of rushes.

\* To point out a method of eradicating the rush effectually, is a problem

that has not yet been solved. The causes which occasion it are twofold ; first, underground water ; and secondly, tenacity of soil. \* \* Nothing, therefore, seemed to be effectual, except some method of rendering the entire subsoil a drain, and thus carrying off the water, which descended from the higher grounds, or fell from the sky, before it had time to stagnate. For this important purpose, deep trenching seemed particularly well adapted ; as the first principle of it consists in reversing the order of the natural strata, and putting down, to any given depth, the loose and friable soil, which has been the subject of culture ; and through which the superfluous water, formerly retained by impervious strata, would now readily percolate. \* \* My first experiment in reducing theory to practice, was made on about two acres of old meadow land, on which rushes had been abundant from time immemorial, from two to three feet high. I directed the whole to be trenched eighteen inches deep. The surface mould not being above six inches deep, the whole was deposited by the first spit, at the bottom of the trench. The next six inches consisted of strong loamy clay, and were thrown immediately upon the first ; and the last six inches, which were of as obdurate a clay as could well be imagined, formed the top of the new surface. Being in haste to return the land to its former condition of meadow, I did not bestow the proper time, as I ought to have done, in working it, by means of a complete summer fallow, or drill crop well manured ; but after merely reducing the clay to a good state of pulverization, I gave it an abundant top-dressing, first of mild lime, and then of dung compost, prepared with peat-moss, according to Lord Meadowbank's method, and immediately sowed it down with grass seeds. This took place in 1810. The hay crop that followed was immense. It has been cut in hay repeatedly since that period, and twice dressed with lime compost ; but since the time of the trenching (now seventeen years) *not a rush has ventured to put up its head.*—(Note v. p. 482.)

There may have been some debate with regard to the methods of trenching ; but the point now most debated, seems to be, whether there shall be any planting at all without it. In the year 1827, Sir Walter Scott published, in the Quarterly Review, an Essay on ‘the Planting of Waste Lands,’ in which he recommends the method of pit planting, (which has been ignorantly called ‘the Scotch System,’) and speaks rather *slightly* of the method of trenching, as a preparative for general planting. This essay Mr Withers, an attorney in Norfolk, saw and read, *savile tumens*. It was an offence not to be forgiven, to recommend a method that had failed somehow in Norfolk, and to reject a method that Mr Withers had adopted, and half persuaded himself that he had invented. Accordingly he took his revenge in a pamphlet, which he calls,—‘A Letter to Sir ‘Walter Scott, Bart., exposing certain Fundamental Errors in ‘his late Essay on Planting Waste Lands ;’ but which we call a most ignorant and petulant attack upon pit-planting, the well-

known practice of all nations, and upon Sir Walter Scott, the first of living writers. It is true, Mr Withers candidly tells us, that he has no knowledge of planting, beyond what is practised in Norfolk ; and his pamphlets as clearly tell us, that he has as little knowledge of the history or state of the art in any country, or of phytological science in general. Yet, with these qualifications, he comes boldly forward to instruct the English nation in the management of plantations, and the Commissioners of Woods and Forests how to improve those royal domains, by raising *the best oak timber for the navy!* His nostrum or specific for this purpose, like most nostrums, is as simple as it is infallible. Only ‘trench and muck well,’ quoth he, and you must speedily raise the best oak timber in the world, because in that way I do it in Norfolk : But avoid, as you would a pestilence, the *pitting method*, or vile SCOTCH system, as advocated by such bunglers as Sir Walter Scott, who makes more blunders than even Billington, who planted Dean Forest for the Royal Commissioners ! Mr Withers then falls into a most patriotic rage with the Commissioners themselves, for their waste of the public money, in not trenching and manuring the whole Royal Forests ! and he even threatens them with a Parliamentary enquiry, which he himself is to help to get up.

Assertions so confidently made, especially when joined with inculpation of a celebrated author and a public Board, were likely to make an impression ; and the rustic readers of Mr Withers could not well be aware, that the pitting method of planting (so absurdly called the SCOTCH system) is now, and has been, practised by all nations, and in all ages, from the time of the Romans downwards, as the best for raising the most durable timber. Neither could they know, what will be obvious to every educated phytologist, that his plan, instead of improving the quality of the timber, would be sure to deteriorate it, and produce comparatively soft and porous wood. It may seem surprising, but it is not the less true, that although Mr Withers advertised his nostrum in 1825, not a planter was to be found in England, for nearly three years, who ventured to controvert and expose so pernicious a theory ; until, in the end of 1828, Sir Henry Steuart was applied to, when he was finishing, as he informs us, his Notes, for the new edition of the Planter's Guide. On this occasion, he undertook to set the public right respecting the arrogance and ignorance of this Norfolk attorney ; and as no one was better qualified, from his long experience in trenching for plantations, and his partiality to the practice, to see fair justice done to its advocate, so his Notes have become the vehicle

of some practical information, and the instrument of some public good.

It might have been conceded to Sir Walter, and to his many years' experience as a planter, that the pitting method might possibly be suited for barren lands in either England or Scotland, even though the trenching method was the best for superior soils, in other circumstances. But this is not Mr Withers's mode of warfare. He makes no concessions; and gives no quarter. Sir Henry has too much taste and too much judgment to retaliate in the same style: But the chastisement which he has inflicted is not the less severe. The substance of it will be found in a Note, at p. 465 of the present edition, in which he combats, with the most complete success, the unfounded positions of Mr Withers; adduces, in support of his own and Sir Walter Scott's practice, a host of incontrovertible facts; and shows the irreparable injury that would be inflicted on the Royal Forests, by the adoption of Mr Withers's method. The induction by which he proceeds is equally cautious and unanswerable. It is a fact, he observes in the first place, that climate influences the growth and character of all vegetables—the warmer climates expanding and enlarging the vegetable body; the colder climates contracting and condensing it. The oaks of England are consequently slower in their growth than the oaks of Spain and Italy; but their timber is far more durable. The oaks of Scotland are slower in their growth than the oaks of England; and those in the northern districts of both countries slower than in the southern; but their timber is also more durable. This is well known to the timber-dealer, and to every carpenter who has operated on both. It is another fact that culture, or fertility of soil, or the contrary, accelerates or retards the growth of all vegetables in a degree approaching to that of climate, and produces similar effects upon the vegetable fibre. This is most remarkably exemplified in the case of culinary and herbaceous plants; but it is equally true of woody plants also. The fact is known, indeed, to every forester, and to every gardener, of experience. The stem of the cultivated plant is always more easily cut through than the stem of the wild plant. Take, for example, the stem of the cultivated apple, and compare it with that of the wild and common crab. Such are the general or leading facts on which Sir Henry grounds his refutation of Mr Withers's doctrine, and the establishment of his own; and from which he deduces the following Practical Conclusions: First, All timber trees thrive best, and produce wood of the best quality, when growing in soils and climates most natural to the species. Plant, therefore, *without culture*, in such soils and climates. Secondly, Trees may

be said to be in their natural state when they have sprung up fortuitously, and propagated themselves without the aid of man. Thirdly, whatever tends to accelerate the growth of trees, tends to expand their vegetable fibre, and to render their timber less hard and dense. Fourthly, A certain slowness of growth is essential to the closeness of texture and durability of all timber, but especially of the oak ; and wherever the growth of that wood is unduly accelerated by climate or by culture, (as by trenching and manuring,) the quality of the timber is injured in proportion. Fifthly, As it is extremely important to the success of trees to possess a certain degree of vigour in the outset, or to be what is technically called ‘ well set-off,’ the aid of culture, if applied judiciously, is not in every case to be precluded. Sixthly, It is by a diligent study of the peculiar character of trees and of soils, regulated by facts drawn from general experience, that the errors of ignorant systems are to be corrected, and science brought most beneficially to bear upon practice.

The theory of successful transplantation being thus illustrated and established, Sir Henry proceeds next to describe and elucidate the practice. The first thing to be done is the taking up and transporting of the trees. In this operation, the grand object should be to extricate the roots as much as possible entire; that is, furnished with a large supply of the finer and terminal fibres, these being the very organs by which the plant absorbs the moisture of the soil, and selects the nourishment necessary to its growth. If you deprive it of these, you deprive it of the means of life. If you secure these, you secure every thing. The expansion of the root is analogous to the expansion of the branches, but with infinitely more ramifications; the excavation is to be begun at the extreme points, and carried on to within three or four feet of the stem, but not nearer, that a manageable mass of earth may be thus secured. Yet a large supply of fibres is of much more consequence than a large supply of earth, and can never be safely dispensed with. When the roots have been laid bare, the next step is the pulling down of the tree. This is done by what is called a Transplanting Machine. The machine is substantially that of Brown, with Sir Henry's improvements. It consists of a pole, two wheels, and an axle. It is brought close to the tree. The pole is elevated and lashed to the stem, and then brought to act as a lever. The stem comes down with it, and the loosened root comes up; and in this position the tree is transported to its new site by the strength of horses.

The pit in which the tree is to be placed is supposed to have been prepared a twelvemonth beforehand, and now only opened up afresh. It must not be deep; but it must be so formed as to

receive the full breadth and expansion of the roots. The stem is to be elevated, with the weather side reversed; and the tree is to be well balanced in its new situation, and completely secured against wind, by means of a retaining-bank under ground, before the roots are covered. This method of planting Sir Henry claims as peculiar to his own practice; and it comes to us recommended by the sanction of the most perfect success; as no Removed Trees have ever been *blown down* in the Park at Allanton, and no *Props* or *Supports* have ever been used. When the roots are covered, and the business of transplanting finished, the cares of the planter are not yet at an end. A transplanted tree requires nursing and protection; the stem from the approach of cattle, the roots from cold or drought. The best means of accomplishing these ends are detailed, at considerable length, in a section appropriated to the subject; and the volume is brought to a close, by an enquiry into the expense attending the foregoing operations.—This is a consideration of some importance. For, granting to Sir Henry's method all the merit which he attributes to it, still, if its success were to be bought at a very extravagant price, so as to put the practical part of his system out of the reach of many of moderate fortune, where, after all, would be the great value of the discovery? It must, therefore, be extremely gratifying to the landowner to know, that Sir Henry's method, while it is productive of the greatest ornament, is, at the same time, productive of the least expense. The expense of removing any individual tree will be more or less according to its size; but from a variety of calculations, in the case of country gentlemen who had adopted Sir Henry's plan, as well as from his own experience, the expense of removing such trees as are the most fit for transplantation, is found to be only from *ten to fifteen shillings* per tree; while the expense of removing trees of the same dimensions, on any other plan, has been known to amount to from three to five pounds per tree.

If this fact required any further confirmation beyond that of Sir Henry's word, it would be found in the report of the Committee of the Highland Society which was appointed to enquire into the merits of Sir Henry's plan; namely, that of transplanting without mutilation. The following members of the Committee assembled at Allanton House, on the 18th of September, 1823:—Lord Belhaven, Lord Succoth, Lord Corehouse, Sir Walter Scott, Bart., and Alexander Young, Esq. Traversing the park, which encloses a space of about 120 acres, including an artificial lake, diversified with many bays and promontories, they examined, first, such trees as stood single, or in detached

groups, on the open lawn, oaks, beeches, elms, &c. They were all growing with extraordinary luxuriance, and shooting from sixteen to eighteen inches yearly. They had been transplanted but a very few years; and yet it was not to be perceived that they had ever been transplanted at all. The committee proceeded, next, to examine the enclosed clumps or masses of wood. The largest, through which the eastern approach to the place passes, is represented as exhibiting a scene of uncommon beauty and luxuriance, well clothed with underwood, masking the house effectually, and anticipating at least forty years' growth in the ordinary mode of planting. Finding Sir Henry's method effectual, as regarded the health and vigour of the tree transplanted, as well as applicable, whether to agricultural or ornamental purposes, whether to give shelter or picturesque effect; the committee proceeded, lastly, to enquire into the cases of failure, and the expense of the operation. On these topics it was found, that there is a failure of only about one tree in forty, or in forty-five; and that the expense is within the limits already mentioned, and therefore obviously within the means of country gentlemen of ordinary fortune.

Considering the soil, climate, and country, in which these seats have been achieved, we can only express our surprise at the success of the operator;—the soil of Allanton Park being clay, loam, gravel; some part of it far from fertile; the altitude nearly four hundred feet above the level of the sea; the climate and country, Scotland!—in which, if we believe Dr Johnson, who travelled through it some fifty years ago, there was scarcely timber enough grown to make walking-sticks for the inhabitants!—how is it that Sir Henry Steuart has been able to conjure up the noble and magnificent scene that now surrounds him; to clothe the barren waste with the noblest productions of the vegetable kingdom; ‘instead of the thorn, to raise up the fir-tree; instead of the brier, to raise up the myrtle-tree; —to pour floods of water on a dry ground?’ The answer is ready. By investigating the laws of vegetable life, and giving facilities to the operations of nature; by tracing the relation of plants to soils, and of soils to plants; by studying the conditions under which vegetation advances or declines; and by placing his subjects in the conditions required. Thus proceeding, he has been successful in every thing. He found the park ‘a wilderness;’ and he converted it into ‘a fruitful field.’ He found the art of planting a practice without principle; and he converted it into a science. His instructions, we have no doubt, will prove of the most essential utility to all future planters; and his new and improved methods will remain a lasting monument of

the zeal, industry, and genius, that introduced them. Wherever ornament makes any part of the object of the cultivator, the ‘Planter’s Guide’ will be found to be his best director; pointing out, as it does, the means of executing with success the designs, that taste may have conceived for the embellishment of the landscape. It teaches, not merely the Art of Planting, but the Principles upon which the art is founded; and supplies us, not merely with rules, but with reasons. No proprietor of a park ought to be without it; and no professional or ornamental planter can in future dispense with the study of it. It is alike useful to both; to the employer, and to the artist employed. To the former it presents *Principles*; to the latter, *Principles and Practice*.

Not that we are to regard the author of the ‘Planter’s Guide’ as teaching the art of Ornamental Planting only. He has a wider and a more useful aim; namely, that of elucidating the subject of GENERAL PLANTING, and of applying to it the same principles which he has applied to the removal of wood. Let us take the author’s own account of the fact.

‘Amidst this dearth of information for the use of the young planter, and the extraordinary favour with which the Essay has been received by the public, I have spared no pains to render the present edition less imperfect, and more generally useful, than its predecessor. I have embodied in the text as much of the matter of the Notes and Illustrations as could well be done, without incurring the imputation of prolixity; and I have added as much to the latter, on the subject of *General Planting*, as could properly be introduced, without seeming to deviate unreasonably into collateral discussion. On the important topics of different modes of Planting; on Pruning; Trenching and Draining; Soils; Preparing Composts; Raising Timber for the Royal Navy (including an examination of Mr Withers’s plan for that purpose); improving Park-scenery by new arrangements, &c. &c., short, but separate disquisitions will be found, which, I trust, will add to the value of this volume. I am aware that Notes and Illustrations are not the fashion of the day; yet I believe, that they form the *best part of the book*, and will be found most useful to the general reader.’—(Preface to the Second Edition.)

Such is the author’s account of the additions made to the second edition; of which we will give an extract or two, showing the paramount importance which the author attaches to the study of Phytology, in its application to the art of planting.

‘The art of giving immediate effect to wood, is not merely an art of practice. It is founded on vegetable physiology, and the anatomy of plants, and constitutes one branch only of General Planting, which it is still more important to teach on some principles of science. To carry the former into effect, it is obvious that, as materials of considerable magnitude are necessary, so difficulties are found, which do not occur in ordinary planting, and by doing greater violence to nature, it requires greater

dexterity, as well as greater science. To teach the art, therefore, of removing large trees, is to teach, *in the most effective manner*, that of *General Planting on physiological principles*, which, as they are drawn from nature herself, cannot err; and accordingly, they furnish the only certain means of accounting for its failure, or teaching it with success. He who can raise a tree from the seed to the state of valuable timber, whether for ornament or for use, must possess a certain acquaintance with the habits of woody plants: But the man, who can remove trees of considerable age and magnitude, must necessarily possess the same species of skill, and a knowledge of the laws of nature, to a much superior extent.

' On a subject like this, which is wholly new, but not the less interesting to the British planter, I would earnestly entreat the attention and indulgence of the reader. It is not more than threescore years, since Chemistry and Natural History have been successfully cultivated among us, and applied to the improvement of the arts. The ingenious writings of Mr Knight, the President of the Horticultural Society of London, have done much to turn the public attention to Vegetable Physiology, as important to the advancement of horticulture. The late very able work of Mr Keith on Physiological Botany has completely systematized the science; it has tended to correct the errors, and supply the omissions of former writers, and to bring forward, in one luminous view, both his own discoveries, and those of foreign nations.

' Let us therefore hope, that the present attempt to bring Vegetable Physiology into notice, by applying it to the practice of Arboriculture, may not be less successful, than that of applying Chemistry to Husbandry, which, to the astonishment of Europe, has rendered the cultivation of the soil *a new art* in modern hands. The culture of Wood, as has been already observed, in point of rank and importance, certainly stands next to the culture of the soil; and in point of attraction, it stands a great deal higher, from the delightful effects it everywhere produces, whether they are seen in the deep seclusion of the grove, the open richness of the park, or the endless charms of woodland scenery. Since the ladies of late have become students of chemistry, it is not too much to expect, that they will be ambitious of attaining proficiency in a science so much more akin to their own pursuits; and that country gentlemen, emulous to profit by so illustrious an example, will not suffer Vegetable Physiology to be any longer a desideratum, either in their own acquirements, or in those of their gardeners, their foresters, or their land-stewards. Thus, a *new era will be brought about in British Arboriculture*, of which the most remarkable circumstance is, that it has not been brought about before, amidst the advancement of the other arts; and thus England, which, a century and a half ago, was the birthplace and the cradle of Vegetable Physiology, will soon give lessons in *Planting*, as well as Agriculture, to the rest of Europe.—P. 11 to 14.

The second edition is not only much enlarged, but also much improved, by a variety of new and interesting discussions. We are happy to learn that its sale has been so rapid, that a third must be immediately provided. It is a great thing to have

made such a subject popular; and to have imbued the race of Esquires with a taste for scientific researches. This, we think, the ingenious author has effected chiefly by the judicious mixture of striking facts and fair promises with his instructions—and by skilfully mingling, with his *easy didactics*, such moderate doses of Phytological lore, as might be deemed palatable by delicate students; thus *insinuating* a taste for higher studies, and making men Phytologists in spite of themselves. Had he confined himself, to dry reasonings and learned deductions, we suspect he would have found but few readers among the landed aristocracy with whom he has crept into favour. But as he undertakes to show them how to scatter about their lawns trees *fifty* or *sixty* years old, with scarcely any expense either of time or of money, and how to communicate to the newly-enclosed Park the appearance of age and antiquity, all become purchasers and readers, and a new edition is devoured in a week!

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ART. V.—*Journal of a Second Expedition into the Interior of Africa, from the Bight of Benin to Saccutoo.* By the late Commander CLAPPERTON, of the Royal Navy. To which is added, *The Journal of RICHARD LANDER to the Sea Coast, partly by a more Eastern Route.* 4to. London, 1829.

**T**HIS volume records another expedition, and another sacrifice, made for African discovery; and still the grand mystery is not solved. The expedition, however, has been important; and in a great degree even successful, notwithstanding the gloom of its issue. It has made us acquainted with a long range of African kingdoms, scarcely known hitherto even by name; and, combined with the former journey, in which Captain Claperton also shared, it has completed a section across the entire breadth of Africa, and enabled us to form a pretty correct estimate of its interior contents. These are found to comprise many large and populous kingdoms, the inhabitants of which, turbulent, licentious, and barbarous, display yet some dawnings of civilisation; and are perhaps in a state of society not very dissimilar to that of Greece during the heroic ages. They have lands under regular culture, a few fine manufactures, some extemporary poetry, not without sweetness and beauty—cities, or rather huge assemblages of mud and straw huts, surrounded with walls of earth, yet containing ten, twenty, or thirty thousand people. Utterly destitute of letters, and of any regular or

enlightened forms of polity, they are held together by attachment to old customs, and by a blind and superstitious veneration for their princes and chiefs. They appear, in short, to have remained as exactly as possible in the very state described by the Arabic writers of the twelfth century; and consequently, neither have made, nor seem in the way of making, any advance in the scale of civilized society. The fertility of the soil, the extensive river-communications, the intercourse by caravans with the half-civilized tribes on the northern coast, have led them a certain way onward; but, on the other hand, the want of maritime intercourse, the interior obstructions which prevent the formation of great empires, or render them the scene of perpetual insurrection, the incessant wars, accompanied with dreadful devastation, crush, as they arise, all the seeds of high improvement, and render the efforts, which man habitually makes to improve his condition, barely sufficient to save him from lapsing into utter barbarism.

The present expedition was undertaken on the invitation of Sultan Bello, the present powerful ruler of the Fellatas, during Captain Clapperton's former visit to his capital of Saccatoo. The proposals were, that a commercial intercourse with Britain should be opened by the ports of Rakah and Fundah, which were said to exist on the Atlantic, at the point where the Niger flowed into it. On this condition, the Sultan undertook to co-operate in preventing the exportation of slaves from any part of that wide-extended territory, known under the name of Houssa; promising also to have messengers on the coast to meet them. In consequence of these overtures, Captain Clapperton, with two companions, Captain Pearce of the navy, an expert draftsman, and Dr Morrison, a naval surgeon, well skilled in natural history, was sent out on a fresh expedition. They took their way accordingly to the Gulf of Benin, and enquired anxiously for Rakah and Fundah; but in vain! No such places were known on that coast, though they were afterwards found several hundred miles in the interior. Equally vain was every enquiry after the promised messengers of Bello, or any part or place upon this coast which was subject to his dominion. All this was not extremely encouraging; however, they did not allow it to damp their ardour; but, upon the advice of Mr Houtson, a merchant long resident on the coast, fixed upon Badagry, as the point by which they might most directly and commodiously penetrate into the interior of the continent.

Their expedition had a disastrous commencement. The three gentlemen were so very imprudent as to sleep in the open air for two successive nights, on this swampy and unwholesome coast;

and the immediate consequence was, that they were all attacked with fever, to which Pearce and Morrison fell victims in the course of a fortnight. Clapperton was carried through by the strength of his constitution; but he was thus left, without any social aid or comfort, and with only the attendance of one English servant, to pursue his adventurous route into the unknown interior of Africa.

A journey of about sixty miles inland from Badagry brought him to the frontier of Youriba. This great kingdom, under the name of Eyeo, its capital, had been reported as the most populous and powerful in this part of Africa. It appears to be the same mentioned by Leo and other early writers under the name of Gago; and all that had been said of it was justified by a closer inspection. No conjecture is given as to its population; but the capital is stated to be fifteen miles in circumference, supplied by seven large markets; and on the way to it, towns were passed of four, ten, or even twenty thousand inhabitants. The monarch is completely despotic, and meets from the people with the most abject submission; the greatest princes and chiefs, in approaching him, throw themselves flat on the ground, 'on their bare bellies, amid dirt and debasement,' kissing the earth, and piling heaps of dust upon their heads. Yet despotism, which degrades civilized man, is a step out of absolute barbarism. The sway is exceedingly mild, and, from the flourishing state of the country, evidently protecting. The horrid *customs* (human sacrifices) which spread such desolation through Ashantee and Dahomey, are unknown here, unless on a very small scale, at the king's death, when a few of his chiefs and wives are expected to die by poison. The chief pomp of the sovereign consists in the number of his wives, of whom he boasted that, linked hand in hand, they would reach nearly across the kingdom! But the term wife, in Africa, involves other ideas than are attached to it in Europe. The queens are put to all sorts of hard work, and are seen, in every part of the kingdom, going from town to town with heavy burdens on their heads. They officiate likewise as body guards; and, on the day of audience, were drawn up in so dense a mass, as the English were unable to number. We do not recollect a more singular exhibition of the female sex than the following.

' Yarrow came attended by all his train. The most extraordinary persons in it were himself and the bearers of his spears, which were six naked young girls, from fifteen to seventeen years of age. The only thing they wore was a white bandeau, or fillet of white cloth round the forehead, about six inches of the ends flying behind, and a string of beads round their waists; in their right hands they carried

three light spears each. Their light form, the vivacity of their eyes, and the ease with which they appeared to fly over the ground, made them appear something more than mortal, as they flew alongside of his horse, when he was galloping and making his horse curvet and bound. He dismounted, and came to my house, attended by the six girls, who laid down their spears, and put a blue cloth round their waists, before they entered the door.'

Our traveller, however, does not seem to have been much captivated with the African ladies; and even considers their eternal loquacity as the chief evil in the social system of the Continent. 'Government,' says he, 'may restrain the vicious principles of our nature, but it is beyond the power, even of African despotism, to silence a woman's tongue.' This proposition, stated in so comprehensive a form, may lead to a suspicion, that he did not estimate very highly the conversation of the fair sex in any quarter of the world, and had even a tincture of the woman-hater in his composition; in which respect, perhaps, he was rather fortunate, considering what awaited him in his subsequent journey.

The religion of Eyeo is represented as simple, consisting in the worship of one Supreme Deity, to whom animals are offered in sacrifice; and their flesh then furnishes the materials of a festival, at which the worshippers sit naked, but without being guilty of any farther indecency. Strangers to the Arabic and to the Koran, they want the only channels by which letters are diffused throughout Africa. However, there is a great deal of singing;—singing-men and singing-women are regular attendants on the chiefs and caboceers; and their songs are often extempore effusions, containing, probably, also a good deal of national history; but we are not yet favoured with any specimens of the Yourriban muse. There is a very prevalent taste for sculpture, the doors, and all the ornamental parts of the edifices, being adorned with pillars, on which are carved the exploits of their warriors, and the various action of the *boa* serpent, which, as the mightiest of a species so numerous in Africa, appears to them the most conspicuous object in the animal creation. Our traveller, who cannot, we presume, make any pretensions to the character of a connoisseur, gives yet his opinion, that the execution of these works is by no means despicable. There were also dramatic exhibitions, if such a name can be given to a mere display of mimicry, tricks, and buffoonery. They began with hunting in sacks; then followed an imitation of the movements of the *boa-constrictor*; lastly came the White Devil,—under which title they represent the European,—a thin figure, painted white, shivering with cold, and going through various movements that

appear fantastic in the eyes of an African. Dancing, however, is the standing and universal amusement of every African, from the highest to the lowest; and is practised in every form, from movements resembling the stately minuet, to curvets, which might rival those of Grimaldi himself.

The travellers, in every town through which they passed, were welcomed almost as guardian and superior beings. The report had gone before them, that ‘they were come to do good, ‘and to make peace wherever there was war;—that all wars ‘and bad palavers were now to cease;’ and the country, which had been dreadfully laid waste by an irruption of the Fellatas and of the insurgent slaves in Houssa, stood much in need of such deliverers. The same feelings prevailed at the court of Yourriba. As they approached the capital, they were met by a numerous body of horsemen, who welcomed them with songs, drums, dances, and all the circumstances of African pomp. On their arrival, a band of music escorted them to the royal presence; the whip and the cane, briskly, but good-humouredly applied, made a way through the multitude; and his wives in long array behind the monarch, stood up and received them with cheers of welcome. The king, during the whole stay, showed the same friendly disposition, holding familiar intercourse with them, and giving directions that every want should be supplied. He listened, however, with reluctance to their plans of proceeding to the interior, intimating that he thought their visit had been wholly to himself, and that this destination might have been sufficient. Finding no disposition to acquiesce in this view of the subject, and being informed that engagements had been formed with the Sultan of the Fellatas, he undertook to find a route, but observed that the direct one through Nyfee was altogether insecure, on account of the civil war which was raging in that country. Some time must be required to arrange a circuitous but safe route; and though these statements were suspected at the time to belong to a system of shuffling, and to be made with a mere view to delay, they proved ultimately to be correct.

During their residence at Eyeo, some circumstances occurred which seem to prove, that our adventurous travellers were somewhat deficient in those rules of conduct and etiquette, without which it is impossible to make way at the court even of a barbarian. The mission were placed under the special guardianship of a fat eunuch, who held the distinguished station of prime minister. But this great personage having one day got half tipsy, and behaved somewhat scurvily, Captain Clapperton very coolly acquaints us, that he turned him out of doors. Now

this turning out of doors of the prime minister of a prince in whose power they were, does appear to us to be neither very diplomatic, nor very consistent with common prudence. Accordingly, this personage took ever after the strictest care, they should be most scantily supplied with every thing they wanted; and he even, as was afterwards learned, used every possible endeavour to engage a party to assassinate Captain Clapperton; but happily, this great kingdom could not furnish out a band endowed with courage sufficient to assault one stout well-armed Englishman. The king stood neutral in this deadly feud. He neither withdrew his kindness from Captain Clapperton, nor redressed any part of the daily catalogue of wrongs reported against his fat favourite. At length, in compliance with the urgent representations of our traveller, he sent him forward under an escort through the kingdom of Borgoo.

The route now pursued to the Niger led by Keama and Wawa, large cities, and capitals of provinces, one estimated to contain 30,000, and the other 18,000 inhabitants. The government of Borgoo is a despotism as abject in principle as that of Eyeo, but not nearly so well organized; the different cities making war with, and plundering each other, without any control from the general government. The people of Borgoo were reported as the greatest thieves and robbers in Africa; instead of which, they were found cheerful, good-humoured, and honester than those who gave them so bad a character. Their chief fault seemed to consist in entirely devoting their lives to pleasures, not of the most refined description. Wawa, in particular, was a continued scene of feasting and jollity, with harder drinking than had been witnessed in almost any other place. Peculiar attentions were here received from the most distinguished African ladies. Captain Clapperton was visited several times a-day by the governor's daughter, who, half tipsy, and bedizened in all her African finery, made the most tender advances; and when these were met only by cold apologies, departed always in a flood of tears. But the most important transactions were with the widow Zuma, the second person in the city as to wealth and importance, and owner of 1000 slaves. Having indulged liberally in the luxuries thus placed within her reach, she had arrived at the most enormous dimensions, which are compared to those of a huge water-cask. Yet, retaining still some share of beauty, and being of Arab extraction, and only of a deep brown complexion, she accounted herself white, and was in eager pursuit of a white husband. Her eyes were first cast upon Richard Lander, the captain's domestic, said to be handsomer than his master, though the portrait annexed to the volume gives no unfavourable idea of

his external appearance. But Lander, one does not very exactly see why, repelled in the most peremptory manner all the widow's advances ; and she then directed her artillery against Captain Clapperton himself, to whom she laid very close siege. Having induced him to visit her, she was found seated, cross-legged, on a piece of Turkey carpet, profusely ornamented with gold chains, and necklaces of coral, and surrounded by numerous slaves. She caused a display to be made of all her finery, consisting of various dressing-cases, chains, and bracelets ; and he was led through apartments literally hung with pewter dishes and bright brass pans. Conceiving herself now irresistible, she at once proposed that a holy man should be sent for, to read the *fatha*, (marriage ceremony.) Our author seems to have been completely stunned by this blow ; and after some imperfect excuses, hastened out of the house ; and even ran, as fast as he could, from the city ! But on reaching Comie, news arrived that the widow was following him, with drums beating, and a numerous train ; that she had arrested his baggage at Wawa ; and that Pascoe, his African servant, having, under his sanction, accepted a wife from her, she had thus, by African usage, established a claim to himself. It was added, that she had raised pretensions to the sovereignty, which, if supported by his prowess, might render him not only possessed of the portly charms of Zuma, but king of Wawa. ‘ This would have been a fine end of my journey, ‘ indeed, if I had deposed old Mahomed and set up for myself, ‘ with a walking tun-butt for a queen ! ’ Renouncing all these brilliant visions, he hastened to Wawa to relieve his baggage. He reached the place before her, but seems to have been very unwelcome to the governor, who had hoped, that he and the widow together had gone to Houssa ; and that he himself would be rid of her. He now stated it to be impossible that Captain Clapperton should depart till the return of the widow ; and the latter was forcibly detained, vainly protesting that his movements had nothing to do with those of the widow, nor hers with his. However, next day the sound of drums was heard, and the widow made her *entrée* in full pomp, astride ‘ on a horse, ‘ whose head was ornamented with brass-plates, and charms ‘ sewed in various-coloured leather, red, green, and yellow ; a ‘ scarlet breast-piece, with a brass-plate in the centre ; scarlet ‘ saddle-cloth, trimmed with gold lace. She was dressed in red ‘ silk trowsers and red morocco boots ; on her head a white tur- ‘ ban, and over her shoulders a mantle of silk and gold.’ Clapperton seems to have been somewhat dazzled with this display, and owns, that had she been a little younger, and not altogether so huge, he might have been tempted to share an African throne

with her; indeed, we suspect that there must have appeared, from time to time, some relenting symptoms, which urged the widow to such indefatigable perseverance. However, every idea of this nature was now renounced; Pascoe was directed to return his wife, that no further claim might be founded upon her; all communication was declined with the widow, who at last made her submission to the governor, and Clapperton set forward on his journey.

The next great town arrived at was Boussa, situated on the Niger, and ranking as the capital of the kingdom of Borgoo. This place excited the deepest interest, as the fatal spot which terminated the glorious career of Park. On this subject anxious enquiries were made, and Africa was found full of his story and fate. Every relation confirmed more and more the first, and for some time discredited, account given by Amadi Fatonma. All at Boussa spoke on the subject with reluctance and deep distress; and each sought, by alleging his own absence or youth, to clear himself of any personal share of the guilt. According to one report, the event had taken place at the commencement of the war with the Fellatas, who, in Central Africa, are accounted white men; and the report arriving, that a boat with white men was coming down the river, they were mistaken for the advanced guard of the Fellatas, and were consequently treated as enemies. The books and manuscripts of Park were fully recollect ed; but, in the convulsions which then agitated this part of Africa, had been carried off in various directions. Some were in possession of the chief of Youri, who promised them on condition of a visit, which he urgently solicited, and the refusal of which we much regret; but our traveller's time was precious, and he indulged the illusory hope of visiting Youri on his return. Meantime, the same spirit of kindness towards the English prevailed at Boussa, which had been so remarkably experienced along the whole route from Badagry.

The caravan route to Houssa was led along the borders of the kingdom of Nyffee. Throughout Houssa, this country had been always mentioned as the centre of African civilisation, and the seat of its finest arts and manufactures. But it was now suffering under a dire reverse. One of the claimants in a disputed succession had called in the aid of the Fellatas, whose victorious career had been marked by those dreadful ravages which invariably deform African warfare; and Nyffee, the boast of Africa, presented now a scene of the most gloomy desolation. Clapperton was invited, and could not refuse, to visit the *sansan*, or camp of the prince, who had been the author of this calamity. The country on his road presented a dreadful scene; rich plantations choked with

weeds; a few starving horses and cattle tied to trees; villages converted into heaps of rubbish, and appearing only more desolate, from being surrounded by some brilliant remains of verdure and cultivation. The camp, according to the African system, was composed of a number of huts, resembling bee-hives, arranged in regular streets; and but for the armed men, horses feeding, and drums beating, could scarcely have been distinguished from a large village. It was 'filled with weavers, tailors, women spinning cotton, others reeling off, some selling foo-foo and accassons, others selling yams and paste, little markets at every green tree, holy men counting their beads, and dissolute slaves drinking *roa bum*.' Here, amid a crowd of disorderly slaves, was Mahammed El Magia, the author of his country's ruin. He was tall and large, with a stupid and brutal expression. Larger presents were given to him than to any former African prince, yet he showed himself scarcely contented; however, he at last vouchsafed his protection, and then hastened on to complete the destruction of a neighbouring town, though to Clapperton it had appeared that little in this respect remained to be done.

The caravan route, which was now rejoined, led through the cities of Tabra, Koolfu, and Kufu, which, being large and walled, had been able to protect themselves, and presented an image of what Nyffee had been in her days of prosperity. They all exhibited a scene of busy commerce and industry. This was supported partly by manufactures, partly by the resort to them as markets from the surrounding districts, and partly by the passage of the great caravans. The female traders were particularly active in all these branches, and many had thus acquired considerable wealth in their own right. There reigned, however, as usually in the trading towns of Africa, a course of voluptuousness naturally resulting from great wealth with little refinement, and from the frequent resort of strangers. The English, however, continued to be the object of interest and kindness among all classes. The principal inhabitants paid visits and sent presents; while the lower ranks, to obtain a sight of the strangers, mounted trees which commanded the enclosure in which they lived.

Proceeding into the interior, the mission passed Womba, the capital of Katongkara, situated in a rich plain, and Guari, the capital of a province of the same name, surrounded by wooded hills, and inhabited by a brave and warlike people. These territories, formerly part of the kingdom of Kashna, had been involved with it in common subjection to the Fellatas; but lately, combining with Youri, Cubbi, and northern Cashna, they have formed

ed a confederacy, by which their independence is maintained against the frequent inroads of that people. The next city was Zaria, the capital of Zeg-zeg, and the finest of all through which the mission had passed. It is approached through noble avenues of poplar, is surrounded by a country almost entirely cleared of timber, under high cultivation, and often resembling the finest parts of England. The population of Zaria appeared to exceed 50,000. All the level country remained under the Fellata yoke; but the ancient dynasty still maintained itself in the hilly tracts of Southern Zeg-zeg.

After passing through several other considerable towns, Clapperton arrived at Kano, where he found himself in the centre of his former route. All this part of Africa was then involved in the greatest distraction. The old war had broken out between Bornou and the Fellatas, and several of the Fellata provinces were in open insurrection; so that the merchants of this great city had scarcely a route by which they could send a caravan. As Kano lay between Bornou and Saccatoo, both which places were to be visited, it appeared unnecessary to carry the whole baggage to the former city, and thus incur the necessity of bringing it back. Richard Lander was therefore left at Kano with the presents and other articles destined for Bornou; while Clapperton himself departed for Saccatoo, with those designed for the Fellata Sultan. The route thither lay over nearly the same ground as formerly, and there is a blank of a fortnight in the journal, owing to his papers having been stolen. When the narrative is resumed, it describes the country as covered with numerous bodies of troops, hastening to form an army which was to attack the rebel capital of Goobur. These presented a very picturesque appearance, as they passed along the chain of little lakes formed by the river of Zirmie.

' The borders of these lakes are the resort of numbers of elephants, and other wild beasts. The appearance at this season, and at the spot where I saw it, was very beautiful; all the acacia trees were in blossom, some with white flowers, others with yellow, forming a contrast with the small dusky leaves, like gold and silver tassels on a cloak of dark green velvet. I observed some fine large fish leaping in the lake. Some of the troops were bathing; others watering their horses, bullocks, camels, and asses; the lake as smooth as glass, and flowing around the roots of the trees. The sun, on its approach to the horizon, throws the shadows of the flowery acacias along its surface, like sheets of burnished gold and silver. The smoking fires on its banks, the sounding of horns, the beating of their gongs or drums, the braying of their brass and tin trumpets, the rude huts of grass or branches of trees rising as if by magic everywhere, the calls on the names of Mahomet, Abdo, Mustafa, &c. with the neighing of horses and the

braying of asses, gave animation to the beautiful scenery of the lake, and its sloping green and woody banks.'

At length they arrived in front of Coonia; and the following passage gives a lively picture of the system and operations of an African siege.

' The march had been the most disorderly that can be imagined; horse and foot intermingling in the greatest confusion, all rushing to get forward; sometimes the followers of one chief tumbling among those of another, when swords were half unsheathed; but all ended in making a face, or putting on a threatening aspect. We soon arrived before Coonia, the capital of the rebels of Goobur, which was not above half a mile in diameter, being nearly circular, and built on the bank of one of the branches of the rivers or lakes which I have mentioned. Each chief, as he came up, took his station, which I suppose had previously been assigned to him. The number of fighting men brought before the town could not, I think, be less than fifty or sixty thousand, horse and foot, of which the foot amounted to more than nine-tenths. For the depth of two hundred yards, all round the walls, was a dense circle of men and horses. The horse kept out of bow-shot, while the foot went up as they felt courage or inclination, and kept up a straggling fire with about thirty muskets, and the shooting of arrows. In front of the Sultan, the Zeg-zeg troops had one French fusil; the Kano forces had forty-one muskets. These fellows, whenever they fired their pieces, ran out of bow-shot to load; all of them were slaves; not a single Fellata had a musket. The enemy kept up a sure and slow fight, seldom throwing away their arrows, until they saw an opportunity of letting fly with effect. Now and then a single horseman would gallop up to the ditch, and brandish his spear, the rider taking care to cover himself with his large leathern shield, and return as fast as he went, generally calling out lustily, "Shields to the wall. You people of the Gadado or Attego, &c. why don't you hasten to the wall?" To which some voices would call out, "Oh! you have a good large shield to cover you." The cry of " Shields to the wall" was constantly heard from the chiefs to their troops; but they disregarded the call, and neither chiefs nor vassals moved from the spot.—The cry of Allahu Akher, or God is great, was resounded through the whole army every quarter of an hour at least (this is the war-cry of the Fellatas); but neither this, nor " Shields to the wall," nor, " Why don't the Gadado's people come up?" had any effect, except to produce a scuffle among themselves, when the chiefs would have to ride up and part their followers, who, instead of fighting against the enemy, were more likely to fight with one another.'

The most serviceable, and not the least intrepid, of the whole armament, was an old dark-coloured Zamsra nurse, resembling a female Esquimaux, who, mounted on a crop-eared bay horse, rode continually about, with six large gourds full of water hanging at her saddle-bow, out of which she administered drink to the wounded and thirsty. Upon the whole, the captain concludes,

' it was as poor a fight as can possibly be imagined ;' nor was it redeemed by its issue. A false alarm being raised, of a sally from the garrison, ' so great was the confusion, that most of the people and animals of the camp were tumbling over each other, and rushing together to save what they could by flight. The forces of Zurmie, who were encamped nearest the town, fled through the general camp, upsetting every thing in their way. ' My servants would have run too ; but I declared, if they started without the baggage, I would shoot them.' The sultan and his minister were not long of following their army ; and ' thus ended this harmless campaign.'

Captain Clapperton now arrived at Saccatoo, where he was received and accommodated in the same manner, and believed himself to be on the same footing of favour, as during his former visit. In fact, however, very different feelings had begun to arise. The first intercourse between men in dissimilar situations and states of society is very generally friendly, and even cordial. The charm of novelty, so powerful over the human mind, is around the stranger, and all that he brings and that belongs to him. No ground yet exists of distrust or suspicion, and the mind readily yields itself to the agreeable emotions of confidence and kindness. Insensibly this gay colouring fades ; the hostile principles of man's nature begin to stir within him ; grudges and jealousies arise, which the very ignorance and inexperience of each other render deep and difficult to remove. On seeing the King of Great Britain send such repeated embassies to such distant regions, on motives to them incomprehensible, there arose a very natural suspicion, that they were sent as spies. A letter was at this very time received from the court of Bornou, in which it was stated, that the British, who had entered India as friends, and begun by sending embassies, had finally made themselves masters of the whole of that fine region, and crushed all its native princes. It was therefore urged that the strictest precautions should be taken against them, and there was even a recommendation that the British messengers should be put to death. It became even, it seems, a common talk in the city, that the English were coming to invade Houssa. These fears were chimerical. There does not, and probably never will, exist, in any quarter throughout this country, a single idea of annexing to Britain the immense regions of Central Africa. Yet much apology may be made for the opposite conclusion formed by its potentates. The case of India presents a mass of broad and undeniable facts, of portentous magnitude ; while the particulars of relative situation and of national feeling, which rendered them inapplicable in the pre-

sent instance, were such as no African politician could appreciate. Another circumstance filled Saccatoo with alarm. Intelligence was received, that among the baggage left by Clapperton at Kano were six guns, with powder and ball, destined as presents to the Sultan of Bornou, with whom a war had just broken out. In Europe, it may sound ludicrous to hear of half-a-dozen fowling-pieces being ranked as contraband of war, and their possession by an enemy threatening danger to the mighty empire of the Fellatas. Yet we have had repeated occasion to observe, in the armies of Central Africa, that, notwithstanding the crowds brought into the field, a very small number of real combatants decides the fortune of the day. Six well-served muskets might have been sufficient to turn the tide of African battle. The mode, indeed, by which these supplies were intercepted, was little in unison with the dignity of a great monarch. A message was delivered to Lander at Kano, as from his master, desiring him to repair to the capital with all the baggage and presents; and he arrived there, unexpected and unwelcomed by Captain Clapperton. In the course of the discussions which followed, forcible possession was taken both of the presents and of the letter destined for the Sultan of Bornou. These were high provocations, and such as afforded ample room for remonstrance; yet do we again demur somewhat to the language used by Captain Clapperton, as not altogether wise or suitable to be used to a great potentate, at whose disposal, moreover, he was entirely placed. He openly upbraided the prince to his minister, as having acted the part of a robber, and broken all the ties of honour and good faith, declaring his conduct to be such, that nothing could possibly be worse; all which, of course, produced no favourable change in the behaviour of the monarch towards him.

Notwithstanding this series of ill treatment, Bello did not proceed to any personal violence, his agent only hinting how imprudent it was not to give up all to save his head. A different cause produced the fatal issue of the expedition.

Clapperton had been endowed by nature with so sound a constitution, and a frame so athletic, that his medical friends believed him proof against the utmost influence even of an African climate. This very advantage, however, seems to have inspired him with a dangerous confidence. We have already seen the consequences of his first rash exposure, which proved fatal to his two friends, and nearly to himself. Again, however, on his journey to Saccatoo, being overcome with fatigue, he lay down unguardedly on a damp spot in the open air. The speedy consequence was an attack of dysentery, which, aggravated

doubtless by the harassing state of his affairs, daily gained strength, till he was no longer able to rise from bed. In this situation, neglected or deserted by the native servants, who saw him no longer in favour at court, he was fortunate enough to have the attendance of Richard Lander, a person superior to his station, tenderly attached to him, and who devoted his whole time and care to his sick master. During this illness, Clapperton was agitated with frightful dreams, in the course of which he was heard bitterly reproaching the Arabs; but, in his waking hours, he was tranquil and pious, causing portions of Scripture to be read to him daily, and listening with earnest attention. ‘ Almost the whole of his conversation turned upon his country and friends, but I never heard him regret his leaving them; indeed he was patient and resigned to the last, and a murmur of disappointment never escaped his lips.’

After having in vain tried general remedies, Clapperton one day said, ‘ ‘Richard, I shall shortly be no more; I feel myself dying.’’ Almost choked with grief, I replied, ‘ ‘God forbid, my dear master! you will live many years yet.’’—‘ ‘Don’t be so much affected, my dear boy, I entreat you,’’ said he; ‘ ‘it is the will of the Almighty; it cannot be helped.’’ He then delivered to Lander his own papers, with minute directions for his guidance. Lander continues :

‘ I said, as well as my agitation would permit me, ‘ You may rely on my faithfully performing, as far as I am able, all that you have desired; but I trust the Almighty will spare you, and you will yet live to see your country.’—‘ I thought I should at one time, Richard,’ said he, ‘ but all is now over; I shall not be long for this world; but God’s will be done!’’ He then took my hand betwixt his, and looking me full in the face, while a tear stood glistening in his eye, said in a low, but deeply affecting tone, ‘ ‘My dear Richard, if you had not been with me, I should have died long ago; I can only thank you with my latest breath for your kindness and attachment to me, and if I could have lived to return with you, you should have been placed beyond the reach of want; but God will reward you.’’ This conversation occupied nearly two hours, in the course of which my master fainted several times, and was distressed beyond measure. The same evening, he fell into a slumber, from which he awoke in much perturbation, and said he had heard with much distinctness the tolling of an English funeral bell. I entreated him to be composed, and observed, that sick people frequently fancy they hear and see things which can possibly have no existence. On the morning of the 13th, being awake, I was much alarmed by a peculiar rattling noise, proceeding from my master’s throat, and his breathing was loud and difficult; at the same moment he called out, ‘ ‘Richard,’’ in a low and hurried tone. I was immediately at his side, and was astonished at seeing him sitting upright in his bed, and staring wildly around. I held him in my arms, and placing his head gently

on my left shoulder, gazed a moment on his pale and altered features. Some indistinct expressions quivered on his lips ; he strove ineffectually to give them utterance, and expired, without a struggle or a sigh.'

The Sultan, having gained an important victory over the Bor-nouese forces, had already begun to show a more friendly disposition ; and he now gave orders to have the funeral performed in a suitable manner, and, at the same time, promised every aid to Lander in effecting his return. Understanding that his finances were scarcely adequate, he demanded, indeed, the arms and other articles belonging to the deceased, but desired him to put any price on them he pleased ; and on his putting 245,000 cowries, which was certainly high, the sum was paid without hesitation. Bello advised strongly the route across the desert, as the safest and most commodious ; but Lander thought he had had quite enough to do with Arabs, and, by earnest entreaty, obtained permission to follow his former route through the Negro countries.

After his arrival at Kano, Lander conceived the meritorious ambition of tracing the mysterious Niger to its termination, which he hoped to do in returning by the way of Fundah. He proceeded, therefore, directly south, by a new route, which, like all those hitherto passed, led through a cultivated country, diversified with numerous and considerable towns. The largest was Cuttap, a compound of five hundred villages, or rather clusters of houses, covering the whole of a beautiful plain, and forming the market for a great extent of country. To the south, however, there was stated to be a rugged and mountainous country, inhabited by the Yam Yams, a race positively asserted to be cannibal, and to have, some time ago, killed and eaten a whole caravan, since which time all intercourse with them had been suspended. It is remarkable, that the same people, under the same name and character, are mentioned by Edrisi.

At length Lander arrived at Danrora, situated in a country hilly and rocky, but still fertile. He was there informed that Fundah lay in a direction due west ; that, half a day's journey to the south, flowed the Shary, a large river coming from the lake Tchad, and which emptied itself into the Niger at Fundah. Lander seemed thus in full train for putting us in possession of the grand secret. Suddenly, however, four horsemen, covered with dust and foam, entered Danrora at full gallop. They announced themselves as messengers from the King of Zeg-zeg, commissioned to stop Lander in his present course, and bring him back to the capital of that prince. Lander represented the extreme hardship of such a mandate, and the total want of any rational motive for this violent step ; to all which the horseman

replied only, that if he did not bring him, he would lose his own head. To Zeg-zeg, therefore, Lander was carried back, where the King assured him, that the step now taken was solely out of the most tender care for his safety, since, there being war between Fundah and the Fellatas, his death would be the inevitable consequence of passing from the one territory to the other. Thus forcibly replaced on his former route, Lander had nothing new to expect. At Koolfer, Banssa, and other towns on the coast, he met with the kindest reception ; and loud lamentations were made when they heard of the death of his father, as they called Captain Clapperton.

Let us now take a general survey of the intelligence obtained by the present expedition.

The observations of Captain Clapperton certainly have not tended to elevate our idea of the intellectual character of the natives of Interior Africa. He does not calculate that more than one in ten of the Fellatas is able to read ; and this attainment is wholly foreign to all the Pagan tribes. Even to the Mahomedan converts in the more southern cities, the Arabic is a dead language ; and consequently, though they assemble in circles, and devoutly hear the Koran read, it does not convey to their minds a single idea. The most approved mode, indeed, of imbibing its contents, is by tracing the characters with a black substance on a smooth board, then washing them off, and swallowing the liquid ! Clapperton tauntingly enquired, what spiritual benefit could be derived from the mere act of swallowing dirty water ; but they indignantly retorted . ‘ ‘ What ! do you call the name of God dirty water ? ’ ’ All they know of their religion is to repeat their prayers by ‘ rote, in Arabic, and a firm belief that the goods and chattels, ‘ wives and children, of all people differing from them in faith, ‘ belong to them, and that it is quite lawful, in any way, to abuse, ‘ rob, or kill an unbeliever.’ This ignorance is accompanied, as usual, with a violent spirit of intolerance. Once, when Lander was lying at the foot of a tree, almost expiring with fatigue and thirst, he implored numerous passengers for a drop of water : but they said to each other, ‘ He is a Kaffer ; let him die.’ Yet there was found at last a good Samaritan, who, amid the reproaches of his countrymen, relieved a suffering fellow-mortal.

The gratitude with which Sultan Bello received an Arabic edition of Euclid, stating it even to have been an object of his search, proves the existence of at least some interest in the elementary branches of mathematics. They appear, however, to be strangers to the very first elements of physical science, and are, consequently, exposed to the most scandalous impositions from any scoundrelly Arabs, who make a pretence to superior know-

ledge. One of the grossest impositions was that put upon a fine old chief, whom Lander met with in a town near Kano.

' He took me into an inner room, and, bidding me to sit, took from a calabash, which was suspended to a piece of wood attached to the roof, a small box, made of skin, round which was wound, with the greatest care, upwards of five hundred yards of thread, which occupied him twenty minutes in taking off. In this box he showed me four bits of tin, about the size of swan and common-shot, which he told me were silver. The old chief gave me to understand, with much seriousness and earnestness of manner, that they had been given to him by an Arab fifteen years before, who told him they were possessed of life. The larger pieces, he continued, were males, and the smaller females, and were to produce young at the end of every twelve years, before which time they were by no means to be looked at. He had enveloped them in a quantity of cotton wool, in order to impart warmth to them; and the thread was tied round the box, that the offspring might have no opportunity of escaping. " But," said the old man, with a disappointed air, " though I kept them with the greatest care for twelve years, suffering no one to approach them, I found to my sorrow, at the end of that time, they had made no increase, and I begin to fear that they never will." In saying which, the old man was so grievously affected, that he burst into tears.'

Lander, suppressing his strong propensity to laughter, assured him that he had formed a sound conclusion; and that the Arab was a scoundrel. He then sought to administer sympathy and consolation to the poor old man, who gradually became more composed, though frequent sighs continued to burst from him during the whole interview.

The ideas entertained in all these quarters respecting the English nation were various, imperfect, and often very extravagant. Some supposed that they lived entirely in ships; others, that their abode was on a small island in the midst of the ocean. The fate of those unfortunate victims who were carried down as slaves to the coast, was dreadfully aggravated by the belief, that they were bought up for the purpose of being eaten. So strong was their impression of Europeans being subject to this horrid propensity, that the flesh found in Park's boat was imagined to be human, and to have, on this account, caused the death of several who had fed upon it. A native chief interrogated Lander very strictly as to the prevailing report, that a great proportion of his countrymen had tails like monkeys? Lander, of course, repelled the charge with indignation and derision, yet evidently perceived that little impression had been made on the deep-rooted conviction which existed in the mind of the enquirer.

We find here some interesting particulars respecting Othman,

or Danfodio, the immediate predecessor of Bello, and the founder of the Fellata empire. Originally an obscure chief in the northern part of Goobur, he rallied his countrymen round him; converted them from shepherds into warriors; and, hoisting the white flag, summoned them to conquer in the name of God and the Prophet. He extended his empire over the whole of this fine interior region, from the Lake Tchad to the Niger, making even some successful inroads beyond that river. This prince cultivated the arts of peace as well as of war; was skilled in Arabic learning; profoundly versant in the Koran; and, by his eminence as a Mahommedan doctor, obtained among his subjects still greater veneration than by his warlike exploits. What was of more consequence, he executed justice so strictly as to make it be commonly said, that a girl with a casket of gold on her head might walk from one end of his dominions to the other.

The duration of such an empire would have been a blessing to Africa. It would have secured internal peace, and extended the sway of arts, refinement, and civilisation. Even before his death, however, Danfodio had become unfit for the cares of government. He had sunk into a deep melancholy, arising from a cause which we imagine to be unique among conquerors. Nothing could console him under the thought of the great number of the faithful whose death had been occasioned by his victories! His own subjects viewed him with unabated veneration; but many of the Arab Marabouts took advantage of this state of mind to extort gifts, in atonement of the Moslem blood which he had been the means of shedding. Since his death, the separation of Bornou, and insurrections in various quarters, have almost completely broken up this empire; and the wide pretensions which it still maintains, instead of diffusing peace, serve only as ground for new wars and disunion.

Every part of the new route passed through by the mission was found traversed by caravans, coffles, or gaffles, as they are called, as numerous, and even moving in larger bodies, than those by which the Great Desert is crossed. They do not, however, display the same warlike pomp, nor are they led by chiefs uniting the characters of the prince and the bandit. Their aspect is simply commercial; and the greater number consists of females, who, either as slaves, or for hire, bear on their heads enormous burdens, under which they sing and talk cheerfully and incessantly. One of these caravans occupied a long line of march: bullocks, asses, horses, women, and men, to the amount of a thousand, all in a line, one after another, forming a very curious sight,—a motley group, from the nearly naked girls and men carrying loads, to the ridiculously and gaudily

' dressed Gonga traders riding on horseback, some of their animals being lame, and going with a halt, and all in very bad condition.'

These newly-discovered regions would afford, we presume, considerable scope for commerce, provided it were conducted by persons of discretion. European goods, at present, reach them only by the Great Desert, loaded with a heavy land carriage, and after passing through many channels. Scarcely any had ever reached the great kingdom of Yourriba; though at Kiama and Wawa they began to appear. The most suitable objects would be brilliant and ornamental articles for the kings and chiefs; for the habits of the lower orders are simple in the extreme. Such traders must be warned, indeed, against expecting that profuse kindness, the result of novelty, which has been lavished on the present mission; but a party well armed, and taking due precautions, would probably have little to fear.

There remains still the question first asked respecting every journey into the interior of Africa,—What light has it thrown upon the mysterious termination of the Niger? There is, however, a preliminary question, what the Niger is; which we have formerly shown to be of no very easy solution. We observed, in our review of the former journey, that the name Niger has been applied less to any single river, than to an ideal compound of all those which flow along the central plain of Interior Africa; and even that four different rivers might be pointed out, which at different times, and by different persons, have been considered as the Niger. We are happy to find this opinion agree with that quoted in a contemporary journal, from a letter of Major Rennell, in which that distinguished geographer observes: 'With respect to the general subject of the Niger, ancient as well as the supposed modern one, and that of the middle ages, (Edris, &c.) I have now little doubt, that its supposed continuous course was made up of different parts of different rivers, running nearly in the same general parallel, (*i. e.* east and west,) but never paid much attention to by travellers in respect of their courses.' It must be highly gratifying to obtain such high authority in support of our view of the subject; while it may be observed, that it was in the pages of this journal that the observation was first made. The river, meantime, which was discovered by Park, and which flows by Tombuctoo, is that to which the name of Niger is now exclusively attached by Europeans; though it may be doubted what, or whether any part of it, was comprehended under the Niger of Ptolemy and Pliny, or the Arabian Nile of the Negroes. Being in such full possession, it were now vain,

and even pedantic, to attempt to eject it ; and it alone continues to attach to itself that character of mystery which has given so extraordinary an interest to this great geographical problem. On this mystery a very faint light has been thrown by the present expedition. We have only a few more of those crude, confused, and contradictory assertions which the Africans are accustomed to make respecting the courses of their rivers. That the Niger falls into a sea at or near Fundah—that it flows onward to the Gulf of Benin—that it pursues a long easterly course from Fundah till it spreads into the vast expanse of the Lake Tchad : these are statements which repeatedly occur, sometimes separately, sometimes all together, without any sense of their incongruity. These slender materials we shall hastily put together, without dwelling long on such imperfect means of solving a question, respecting which we may hope, at no very remote period, to obtain something positive ; since Mr Barrow, under whose auspices such extensive discoveries have been made, seems to announce the intention of Government to follow out this grand problem to its final determination.

The first hypothesis, which makes the Quarra (Niger) to flow into the Gulf of Benin, has certainly, at first sight, a plausible aspect. At the point where Clapperton crossed the river, and, by credible report, for a considerable space, both above and below, it held a direct southerly course towards that Gulf. If, too, we could accept the construction in the map prefixed to this volume, the river of Benin would appear coming, as it were, half-way to meet the Niger, and the cities of Benin and Fundah would not be a hundred miles distant. But the principles upon which this map is constructed, appear to be somewhat more than dubious. There is, perhaps, no part of Western Africa which, beyond the mere coast, has been so little explored. Benin and its river are here undoubtedly carried at least a hundred miles too far into the interior, seemingly with an express view of adjusting them to the theory. Captain Adams, who visited Benin, and gives the most recent, and perhaps only, authentic account of it, represents the channel leading up to that city as a mere creek, tributary to the great river Formosa, whose course is nearly due east and west, and which itself does not possess the great magnitude often ascribed to it. The whole coast, indeed, as far as Bonny and Calabar, appears to form a species of Delta, produced evidently from some great interior storehouse of waters, which may be the Niger. At the same time, there seems a great preponderance of testimony against the existence of any water communication between Benin and Houssa. One account gave as the cause, that the water was *fetiche* (forbidden)

to the people of Benin ; a most improbable account respecting a city situated in a Delta, which can hold no communication with almost any other place, unless by water. The regular course of the Houssa caravans is not to Benin, but, like that followed by the present mission, through Eyeo to Sagos and Bagdagry. There was, moreover, a chain of mountains passed by Clapperton, eighty miles in breadth, which, according to report and every appearance, must cross the supposed course of the Niger towards Benin ; at the same time, as these do not, in their utmost height, exceed 2500 feet, they may not oppose an invincible obstacle to so powerful a stream. Thus stands the question,—nothing decisive, but, as we think, rather some presumption against the Niger finding this termination.

In the next place, the sea, into which so many accounts represent the Niger as falling at Fundah, may be a great lake; for the same Arabic term applies to both. This hypothesis we must leave as it is, having no collateral circumstances by which it can be either confirmed or refuted.

The third report is, that the Niger, at Fundah, meets the chain of mountains above mentioned, is by them deflected to the eastward, and flows in that direction, till, under the name of Shary, it spreads into the immense expanse of the lake Tsad, or Tchad. This had been very positively stated at Saccatoo, during Captain Clapperton's first visit, both by the Sultan and several learned Mahomedans; but it was rendered doubtful, by its hypothetical aspect, by the distance of the objects from Saccatoo, and by being combined with the incompatible report of its falling into the Atlantic. But something has occurred in this journey, tending rather to fortify the presumptions in its favour. When Lander was at Danrora, about half-way between the Tchad and Fundah, he learned that, only half a day's journey to the south, the Shary flowed from east to west, and, as was believed, connecting together these two distant stations. This information, so very near the spot, approaches to ocular testimony. It is incorrect in stating the direction of the stream to be westward, which is inconsistent with Major Denham's observation, made on the Lower Shary; but nothing is so common in Africa as such an error. The fact established, that the Shary has this long course along the southern border of Houssa, gives a strong probability to the hypothesis of its being the Niger. It appeared to us at first improbable, that a river, which, in a course of two thousand miles, and through so many nations, had retained its name substantially unaltered, should have assumed a new one without any visible cause. But after looking narrowly into the matter, and into the strange transmutations undergone by Afri-

can words, we begin to imagine that the name may, after all, be the very same. We find the Niger indifferently called, or spelt, Quolla, Quorra, Kowara, Quarra, Quarrie, all manifestly the same word; but the last requires only to have the initial consonant softened, to be identical with Shary or Sharee. The consonants, indeed, are somewhat less mutable than the vowels, yet the transmutation of Quolla into Quorra in one place, and into Jolla or Joli in another, shows it to be a process which sometimes takes place.

It is with deep regret that we must close with the mention of another victim, fallen in the same cause, and by a fate still more tragical. Major Laing, having conducted with skill and success an expedition to the sources of the Niger, was afterwards employed in an attempt to penetrate to Tombuctoo itself, the grand central emporium, so long celebrated, and so long hidden from the view of Europeans. He attained his object, reached Tombuctoo by a route across the Desert, and spent two months in that city. Of his observations there, the only memorial is contained in a short letter to one of his relations. He there states Tombuctoo as having every way answered his expectations, except as to its size, which did not exceed four miles in circumference. He represents himself as busily employed, during his stay, 'in searching the records of the town, which are abundant.' This mention of *records* suggests a source of information never heard of before in central Africa, and redoubles our regret, that the result of these researches should be destined never to reach Europe. The bigotry and rapacity of the Moors, who border the Desert, have been disastrous to every traveller whose evil star has placed him within their influence. Laing was first surprised in the Desert by a party of Tuaricks, who plundered and left him for dead, having inflicted twenty-four sabre wounds, from which he almost miraculously recovered. At Tombuctoo, he found a reception altogether kind and friendly, so long as the Sheik, Seid Ali Boubokar, had the power to protect him; but the fortune of war had thrown this opulent city under the supremacy of the Foulahs of Masina, to whom the Sheik was compelled to act as Viceroy. He received from his liege lord a mandate, that a Christian, who it was believed intended coming to Tombuctoo, should in that event be expelled from the country in such a manner as to prevent any chance of his ever returning. The good old chief was therefore obliged to send off Major Laing, under the charge of Barbooshi, an Arab chief, who undertook to conduct him in safety as far as Arawan; but that traitor, on finding Major Laing completely in his power, murdered him, and took possession of all his property.

Meantime, from the opposite side of the channel, tidings have come that this grand expedition has at length been performed with safety and success. M. Lacaille, inspired by the premium proposed by the French Society of Geography, has penetrated from the coast across the Kong mountains, by way of Jenne and the Lake Dibbie, to Tombuctoo, and has returned by Arawan, through the Great Desert, to Morocco. His safety, it appears, was ensured by following the example of Hornemann and Burckhardt, in assuming the character of a Mahometan. The extent and value of the information thus collected we are not yet permitted to appreciate. The Society have made this a complete secret of state; and even in publishing a somewhat lengthened report on the journey, in reference to its authenticity, have contrived to draw it up, without allowing a single particle of information to escape. We find even the Parisians making it a complaint, that the scanty fragments of intelligence which they can collect, are obtained by the circuitous medium of the London prints, which they have reached by private and contraband channels. The policy seems doubtful, of shrouding these discoveries under so deep a veil of secrecy. A slight *avant-gout* might only have heightened the relish of the public for the feast to be spread before them. The analysis, though somewhat copious, of the discoveries of Park and Parry, which were early communicated to British readers, only deepened their curiosity for the more full details which were in due time produced. Such a circle of discovery has now been drawn round Tombuctoo, that its actual position, and its relation to the rest of Africa, are very closely approximated. The chief desideratum was, that Tombuctoo should be described by an able and intelligent observer, which we somewhat fear that M. Lacaille is not. We shall be quite happy to be found too hasty in this anticipation; but the admission of the Society, that there is nothing very brilliant in the intellectual qualities of M. Lacaille, and the care with which every specimen of his composition is withheld, must plead our excuse for having ventured on such a conjecture. Some rectification, however, of the maps of Africa, and some views of the state of society in this celebrated African emporium, may doubtless be expected from the publication of M. Lacaille's narrative.

**ART. VI.—*The Library of Entertaining Knowledge. Vol. I.***

**Part I. The Menageries—Quadrupeds described and drawn from Living Subjects. Published under the Superintendence of the Society for the Diffusion of Useful Knowledge. Pp. 216. London, C. Knight, and Longman and Co.; Edinburgh, Oliver and Boyd; Glasgow, Robertson and Atkinson; Dublin, Wakeman; Liverpool, Willmer; New-York, Carroll, 1829.**

THE work before us is the first of the series which we have already more than once mentioned that the Society had announced its resolution to publish, while it continued the Library of Useful Knowledge, and confined that series to its proper objects. The latter may be considered as addressed to those who, having the habit of reading formed, are in want of proper works for their instruction; the former is designed to make men become readers. The one library is calculated to supply an existing demand; the other, to create that demand where it exists not, or greatly to extend it, where it is to be found in a very limited degree.

The manner in which this design may be best carried into execution, suggests itself almost as soon as the object is stated. Entertainment must first of all be regarded; and as much useful knowledge conveyed as can well be given in an amusing form. All knowledge, indeed, is fitted to attract; for the mere gratification of curiosity is in itself a pleasure: But some kinds of information are so much more easily apprehended than others, bear so much more immediately upon the ordinary concerns of life, or excite wonder with so little demand upon the reasoning faculties, or even upon the attention, that they may be rendered interesting to a class of readers, far more sluggish or volatile than ever think of opening books of instruction—the class which only looks at works of mere amusement. It is to this class, principally, that the Library of Entertaining Knowledge is addressed; although the professed student will find much to please and instruct him in its pages, if its subjects in future are as well selected, and its execution as able, as in the volume now before us.

It is entitled the '*Menageries*'; and, as the name implies, the purpose is to teach zoology analytically, by proceeding from particular instances to general laws. Every thing that is most curious, and entertaining, and useful respecting animals, whether as regards their structure and their habits, or the uses to which they are subservient, both in the economy of nature and in their

domestic state, may thus be given in the way best suited to excite attention, and to imprint itself upon the memory, without any painful or tiresome effort of the mind.

The work begins with two chapters of a general nature ; the one an introduction to the whole, and containing a number of judicious reflections upon the study of natural history, with a sketch of the science of zoology, and the principles of classification ; the other describing the uses of menageries, in a singularly lively and agreeable manner. We shall select a passage from each of these chapters, both because of the important matter conveyed, and that we may give a sample of the execution of the work ; and show how far, even in the more didactic, and therefore drier portions, the main object of combining amusement with instruction is kept in view.

To enable an observer to make any valuable additions to this store of zoological knowledge, it is not necessary that he should be a profound anatomist, or skilful in languages, or acquainted with all the various systems of classification which have entered, perhaps too largely, into the science of zoology in all ages. Some of the most valuable materials for our knowledge of animals have been contributed by unscientific travellers, who have been content accurately to describe what they saw, and to collect the minutest particulars of the structure, and more especially of the habits, of the rare species of quadrupeds, or birds, or reptiles, or fishes, which they had opportunities of seeing in their natural state. But it is not even necessary that a lover of nature should be a traveller, or detail the peculiarities of those creatures only with which we are not familiar, to make very important additions to Zoölogy. One of the most instructive and amusing books in our language, "The Natural History of Selborne," was written by the Rev. Gilbert White, who for forty years scarcely stirred from the seclusion of his native village, employing his time, most innocently and happily for himself, and most instructively for the world, in the observation and description of the domestic animals, the birds, and the insects by which he was surrounded. He does not raise our wonder by stories of the crafty tiger or the sagacious elephant ; but he notes down the movements of "the old family tortoise;" is not indifferent to the reason "why wagtails run round cows when feeding in moist pastures;" and watches the congregating and disappearance of swallows with an industry which could alone determine the long disputed question of their migration. Mr White derived great pleasure from these pursuits, because they opened to his mind new fields of enquiry, and led him to perceive that what appears accidental in the habits of the animal world, is the result of some unerring instinct, or some singular exercise of the perceptive powers, affording the most striking objects of contemplation to a philosophic mind. It is in this way that every man may become a naturalist ; and the great object which we propose to ourselves in the collection of the most interesting facts relating to animals in general, and in this volume of those which appertain to

quadrupeds in particular, will be to excite such a habit of observation in our readers, that they may accustom themselves to watch the commonest appearances of animal life; and thus derive from every enquiry to which their observations may lead them, a more intimate conviction of the perfection of that Wisdom, by which the functions of the humblest being in the scale of existence are prescribed by an undeviating law.'

' All associations between animals of opposite natures are exceedingly interesting; and those who train animals for public exhibition know how attractive are such displays of the power of discipline over the strength of instinct. These extraordinary arrangements are sometimes the effect of accident, and sometimes of the greater force of one instinct over the lesser force of another. A rat-catcher having caught a brood of young rats alive, gave them to his cat, who had just had her kittens taken from her to be drowned. A few days afterwards, he was surprised to find the rats in the place of the drowned kittens, being suckled by their natural enemy. The cat had a hatred to rats, but she spared these young rats to afford her the relief which she required as a mother. The rat-catcher exhibited the cat and her nurslings to considerable advantage. A somewhat similar exhibition exists at present. There is a little Menagerie in London, where such odd associations may be witnessed upon a more extensive scale, and more systematically conducted, than in any other collection of animals with which we are acquainted. Upon the Surrey side of Waterloo Bridge, or sometimes, though not so often, on the same side of Southwark Bridge, may be daily seen a cage about five feet square, containing the quadrupeds and birds which are represented in the annexed cut. The keeper of this collection, John Austin, states that he has employed seventeen years in this business of training creatures of opposite natures to live together in content and affection. And those years have not been unprofitably employed! It is not too much to believe, that many a person who has given his halfpenny to look upon this show, may have had his mind awakened to the extraordinary effects of habit and of gentle discipline, when he has thus seen the cat, the rat, the mouse, the hawk, the rabbit, the guinea-pig, the owl, the pigeon, the starling, and the sparrow, each enjoying, as far as can be enjoyed in confinement, its respective modes of life, in the company of the others,—the weak without fear, and the strong without the desire to injure. It is impossible to imagine any prettier exhibition of kindness than is here shown. The rabbit and the pigeon playfully contending for a lock of hay to make up their nests; the sparrow sometimes perched on the head of the cat, and sometimes on that of the owl,—each its natural enemy; and the mice playing about with perfect indifference to the presence either of cat, or hawk, or owl. The modes by which this man has effected this, are, first, by keeping all the creatures well fed; and, secondly, by accustoming one species to the society of the other at a very early period of their lives. The ferocious instincts of those who prey on the weaker are never called into action; their nature is subdued to a systematic gentleness; the circumstances by which

they are surrounded are favourable to the cultivation of their kindlier dispositions; all their desires and pleasures are bounded by their little cage; and though the old cat sometimes takes a stately walk on the parapet of the bridge, he duly returns to his companions, with whom he has so long been happy, without at all thinking that he was born to devour any of them. This is an example, and a powerful one, of what may be accomplished by a proper education, which rightly estimates the force of habit, and confirms, by judicious management, that habit which is most desirable to be made a rule of conduct. The principle is the same, whether it be applied to children or to brutes.\*

It is most justly remarked, that the sights seen by the people in travelling exhibitions, are extremely instructive and useful, impressing upon their recollection the habits and appearance of various animals, but never showing the griffin, the centaur, the phoenix; and thus teaching them to distinguish between truth and fable, when they find the narratives of intelligent travellers confirmed, and the tales of foolish wonder unsupported.

The general or introductory matter being despatched, the work at once rushes into the midst of the subject. The next chapter is on the Dog, and it sets out with the account of an Esquimaux dog brought to England by Lieutenant Henderson, one of Captain Ross's companions, and now in the garden of the Zoological Society. A very excellent and spirited print of the animal is first given; then a full description of the individual; then an account of those dogs generally. From thence we are led to the manners of the Esquimaux as connected with their dogs; and an extract is added from Captain Parry's Journal, with a cut, representing the mode of travelling in sledges drawn by them. Then follow a number of remarks and anecdotes relative to the uses and habits of dogs generally. We next have a beautiful print of the dog of the Mackenzie River, being a portrait, the original of which is in the Zoological Gardens. The account of this variety leads to a curious digression upon the change of colour and covering which most Polar animals undergo in the winter, as well as some in our own climate, and another upon the means employed by sportsmen to train dogs. There are, also, some very extraordinary facts given in illustration of the docility and sagacity of the dog. The Australian dog follows; the portrait, also, being taken from one in the Zoological Gardens; as is the fine print of two mastiffs from Cuba. The discussion

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\* This is illustrated by a cut representing the seventeen animals who thus live together harmoniously; they are very neatly and successfully given in groups, with their appropriate occupations.

of the habits of these leads naturally to some justly severe reflections upon the detestable cruelties of the conquerors of America, of which some details are given as far as the employment of bloodhounds is concerned. And in like manner, several other varieties are drawn and described, each head being made the vehicle of anecdotes and remarks, as well as of information upon the subject more immediately in hand. The chapter concludes with a few pages containing what may be termed the ‘learning of the subject,’ that is, the classification of all the varieties, with their vulgar as well as scientific names, the arrangement of F. Cuvier being followed, but with reference also to the names of Linnaeus and Buffon; the physiological description of each group; and a summary of the animals’ peculiar characteristics.

From the dog, the transition is easy to the wolf, the jackal, and the fox, which occupy the fourth chapter; and the hyæna forms the subject of the fifth. The history and habits of these animals are treated in the same way with those of the dog; and they afford matter of much entertainment and instruction, and furnish, besides, the occasion of introducing many interesting digressions,—as the account of the late discoveries of fossil bones in Yorkshire and elsewhere. The next chapter treats of the lion, and the last of the tiger, leopard, ocelot, lynx, puma, and domestic cat. In treating of the lion, the most exemplary care is taken to correct all those errors which have prevailed respecting his generous nature; and a number of facts are detailed, which place his disposition in its true light. All the information respecting this animal, which is most calculated to amuse and instruct, is carefully brought together from different travellers; and we are presented with a very full and interesting description of whatever is most curious in his physiology, illustrated by a number of excellent drawings of the parts described. The mechanism of the eye, the whiskers and their uses; the structure of the joints, and the peculiarly hard substance of the bones; the provision in the foot for his falling softly, notwithstanding his great weight; the formation of the claws; the singular surface of the tongue, are all fully explained, and most of them with the help of prints. We shall extract a passage, which does not refer to any figures:—

‘ Every one must have observed what are usually called the *whiskers* on a cat’s upper lip. The use of these in a state of nature is very important. They are organs of touch. They are attached to a bed of close glands under the skin; and each of these long and stiff hairs is connected with the nerves of the lip. The slightest contact of these whiskers with any surrounding object is thus felt most distinctly by

the animal, although the hairs are themselves insensible. They stand out on each side, in the lion, as well as in the common cat, so that, from point to point, they are equal to the width of the animal's body. If we imagine, therefore, a lion stealing through a covert of wood in an imperfect light, we shall at once see the use of these long hairs. They indicate to him, through the nicest feeling, any obstacle which may present itself to the passage of his body; they prevent the rustle of boughs and leaves, which would give warning to his prey if he were to attempt to pass through too close a bush;—and thus, in conjunction with the soft cushions of his feet, and the fur upon which he treads, (the retractile claws never coming in contact with the ground,) they enable him to move towards his victim with a stillness greater even than that of the snake, who creeps along the grass, and is not perceived till he has coiled round his prey.

‘ We must carry our minds to the point when all these preliminary arrangements for bringing the lion within reach of some devoted animal have been successful. The quagga is quietly listening for the sound of his scattered companions. At some twenty feet from him, is the lion crouching and preparing for the spring. The flexibility of his vertebral column allows him to throw himself upon his prey with prodigious swiftness, by the exercise of muscular power; and this power is so great, that the compression of the muscles upon the principal artery of the shoulder would produce a derangement of the animal's system, if that circumstance were not provided against by a most singular and beautiful expedient. The *os humeri* (the bone of the shoulder) is perforated in the lion tribe, to give a more direct course to the brachial artery, that it may not be compressed, by the muscles, when called into extraordinary action by the violence with which their prey is seized. The muscles of the lion's fore-leg are unusually firm, and so are those of the thigh of a fighting cock. This is a peculiar character of the muscles of animals whose habits are those of combat or of catching prey. Flexible as the joints of the larger species of the cat tribe are, they are knit together by the remarkable strength of the muscles; and no other provision would at once produce that pliancy and firmness which particularly characterise the limbs of the lion in the act of seizing his victim, and give both a grace and a power to all his ordinary movements.

‘ The weight of the lion's body, as compared with his size, is very remarkable; and this is produced by the extraordinary density of his muscles, and the compactness of his principal bones. The force, therefore, with which he must alight after a bound of fifteen or twenty feet, must be obvious. The compensation against the jar produced by such a leap is remarkable. In the Treatise on Animal Mechanics, in the Library of Useful Knowledge, it is shown how the number of bones in the human foot, arranged into a great number of joints, produces the elasticity which is required in its complicated movements. The lion's foot has nearly the same number of bones as the human, answering, of course, the same end. But as the cat tribe are exposed, from

their modes of life, to much more violent jars upon the foot than man, so are they furnished with a peculiar provision still further to break the force of a fall or of a leap. In the domestic cat, we constantly observe the natural facility with which the tribe balance themselves when springing from a height; and this facility has given rise to the popular opinion that a cat will always fall upon its feet. The power of balancing themselves, whether leaping to or from an elevation, is in some degree produced by the flexibility of the heel, the bones of which have no fewer than four joints. But the softness with which the cat tribe alight on their feet, arises from an admirable arrangement of that Wisdom which fits every creature for its peculiar habits. In the middle of the foot there is placed a large ball, or pad, in five parts, formed of an elastic substance, intermediate in structure between cartilage and tendon; and at the base of each toe is a similar pad. It is impossible to imagine any mechanism more calculated to break the force of a fall.'

The analogy observable between this and the structure of the limbs of grasshoppers, is then pointed out. The chapter closes with some remarks upon the effects of confinement in altering the character of the animal.

We shall only give one other extract, and that of a different nature, though relating to an animal of the same tribe, the domestic cat.

' One of the most remarkable properties of a domestic cat, is the anxiety with which it makes itself acquainted, not only with every part of its usual habitation, but with the dimensions and external qualities of every object by which it is surrounded. Cats do not very readily adapt themselves to a change of houses; but we have watched the process by which one, whose attachment to a family is considerable, reconciles itself to such a change. He surveys every room in the house, from the garret to the cellar; if a door is shut, he waits till it be opened to complete the survey; he ascertains the relative size and position of every article of furniture; and when he has acquired this knowledge, he sits down contented with his new situation. It appears necessary to a cat that he should be intimately acquainted with every circumstance of his position, in the same way that a general first examines the face of the country in which he is to conduct his operations. If a new piece of furniture, if even a large book or portfolio, is newly placed in a room which a cat frequents, he walks round it, smells it, takes note of its size and appearance, and then never troubles himself further about the matter. This is, probably, an instinctive quality; and the wild cat may, in the same way, take a survey of every tree or stone, every gap in a brake, every path in a thicket, within the ordinary range of its operations. The whiskers of the cat, as we have mentioned in the case of the lion, enable it to ascertain the space through which its body may pass, without the inconvenience of vainly attempting such a passage.'

' The memory of a cat must be very strong, to enable it to under-

stand this great variety of *local* circumstances, after a single observation. The same power of memory leads this animal, much as its affection may be doubted, to know the faces of individuals. We have seen a cat exhibit manifest delight upon the return of its master, or of a person from whom it had received peculiar kindness. There are several instances of strong attachment to the human race in cats, though in number and intensity they fall far short of the attachment of the dog. They have sometimes, also, great affection to other animals, which becomes a reciprocal feeling. The celebrated stallion, the Godolphin Arabian, and a black cat, were for many years the warmest friends. When the horse died in 1753, the cat sat upon his carcass till it was put under ground; and then, crawling slowly and reluctantly away, was never seen again, till her dead body was found in a hay-loft. Stubbs painted the portraits of the Arabian and the cat. There was a hunter in the late King's stables at Windsor, to which a cat was so attached, that whenever he was in the stable, the creature would never leave her usual seat upon the horse's back, and the horse was so well pleased with the attention, that to accommodate his friend, he slept, as horses will sometimes do, standing. This, however, was found to injure his health; and the cat was at length removed to a distant part of the country.

The attachment of domestic cats to human individuals is by no means universal with the species, nor, indeed, is it very common. The cat, to a certain extent, knows the voice and person of its master; and, what is singular, cats have antipathies to particular individuals. The effects of discipline upon the cat are very inferior to the influence of chastisement or caresses upon the dog. The dog, when he is beaten or reproved for a particular offence, seldom repeats it; the cat, as far as we have seen, can never be prevented importuning for food—jumping upon you—sitting in your chair—clambering upon a table—tearing furniture—scratching up plants—however constantly it may be beaten for these annoyances. Cats may be taught to perform tricks, such as leaping over a stick, but they always do such feats unwillingly. There is at present an exhibition of cats in Regent-street, where the animals, at the bidding of their master, an Italian, turn a wheel, draw up a bucket, ring a bell, and, in doing these things, begin, continue, and stop, as they are commanded. But the *commencez*, *continuez*, *arrêtez*, of their keeper, is always enforced with a threatening eye, and often with a severe blow; and the poor creatures exhibit the greatest reluctance to proceed with their unnatural employments. They have a subdued and piteous look; but the scratches upon their master's arms show that *his* task is not always an easy one.

The reader may form his judgment from these passages, and the general account which we have given of the contents of this little book, how far it unites entertainment with instruction. In every part of it, the greatest pains are taken to improve each successive opportunity of conveying useful information, and impressing wholesome truths. There is no affectation or enthu-

siasm displayed, but reflections upon the evidences of design in the arrangements of the creation, are everywhere judiciously interspersed ; and the mind of the reader is thus elevated, by arresting his attention to the sublime contemplations of Natural Theology.

We have not yet mentioned the extraordinary cheapness of this work. It is published in half volumes, each consisting of 216 pages ; and containing as much matter as between three and four hundred pages of the ordinary printing, used in works of amusement,—like the Waverley novels, for instance. The price is only two shillings, and, to accommodate still further persons in humble circumstances, the volume is also published in six-penny numbers, weekly. The first, or half volume, before us, contains about forty cuts ; all good, and many of great excellence. The group of lions, the tiger, some of the dogs, and the hyaena dog, are both remarkable as drawings, and afford striking examples of the perfection which the art of engraving on wood has attained. The impressions, too, though taken by the machine, come nearer to the excellence of those of the hand-press, than has hitherto been found possible. It may safely be pronounced, that a book of between four and five hundred pages, with seventy or eighty such cuts, and containing as much letter-press as two volumes of three or four hundred pages each, and sold for the small sum of four shillings, is an instance of cheap publication, unknown even in countries where labour is at the lowest price, and paper subject to no duty.

We perceive that there is yet another series announced by the Society, though not a separate one ; for it is to form part, though a kind of extra part, of the Library of Useful Knowledge. The difficulty of inducing persons connected with country occupations, as yeomen, farmers, cottagers, farm-servants, in the greater part of England and Wales, to devote any portion of their time to instructive reading, has long been experienced. Their habits of life prevent them from associating much together, and the disposition to rest and sleep, induced by working in the open air, tends greatly to disincline them from improving their minds like those who live in towns, and work more under cover. Nevertheless, it is certain that they have a sufficient portion of time for such pursuits, more indeed than artizans, taking all the year round ; and it is greatly to be wished that they should be provided with books more various and more rational, than the very few and very base ones to which their little reading is at present confined. This desideratum appears, from a late announcement, to have attracted the particular notice of the Society ; and we accordingly find a Farmer's Series

advertised—to consist of treatises, in a very plain and popular style, upon the subjects most interesting, because most useful, to those conversant with country affairs. These are to commence with an account of our common Domestic Animals,—their treatment, breeding, diseases, uses, and habits; and such matters, it is added, of a scientific nature are to be interspersed, as may be capable of being stated in an easy and popular manner. We believe, that if this portion of the Society's plan shall be successfully executed, it will confer benefits altogether incalculable upon the community. The variety of subjects which may be popularly treated of as incidental to the things most intimately connected with country pursuits, can only be equalled by their importance. How much of natural history and comparative anatomy, for example, may be inculcated, while laying down rules for the treatment of cattle! How important a progress in learning the first principles of mechanics may a person have made, almost insensibly, while occupied with examining the uses and constructions of farm-machinery, and the rules for applying the strength of horses to carriage and to draught! What valuable parts of chemistry may be, as it were, insinuated into the minds of those who are only bent upon learning the processes of the brewhouse and the dairy, and the nature and effects of manure! It only requires a skilful union of those things which are plainly useful in practice, with those which concern the principle, to make books that shall be quite certain of supplanting the trash too often found to fill the windows of cottages and farm-houses, and as certain of leading their honest and industrious inmates to the same enlargement of ideas which now so eminently distinguishes the inhabitants of the towns.

**ART. VII.—*Essays on Government, Jurisprudence, the Liberty of the Press, Prisons and Prison Discipline, Colonies, the Law of Nations, and Education.*** By JAMES MILL, Esq. author of the History of British India. Reprinted by permission from the Supplement to the Encyclopædia Britannica. (Not for sale.) London, 1828.

**O**F those philosophers who call themselves Utilitarians, and whom others generally call Benthamites, Mr Mill is, with the exception of the illustrious founder of the sect, by far the most distinguished. The little work now before us contains

a summary of the opinions held by this gentleman and his brethren, on several subjects most important to society. All the seven Essays, of which it consists, abound in curious matter. But at present we intend to confine our remarks to the Treatise on Government, which stands first in the volume. On some future occasion, we may perhaps attempt to do justice to the rest.

It must be owned, that, to do justice to any composition of Mr Mill is not, in the opinion of his admirers, a very easy task. They do not, indeed, place him in the same rank with Mr Bentham; but the terms in which they extol the disciple, though feeble when compared with the hyperboles of adoration employed by them in speaking of the master, are as strong as any sober man would allow himself to use concerning Locke or Bacon. The Essay before us is perhaps the most remarkable of the works to which Mr Mill owes his fame. By the members of his sect, it is considered as perfect and unanswerable. Every part of it is an article of their faith; and the damnatory clauses in which their creed abounds far beyond any theological symbol with which we are acquainted, are strong and full against all who reject any portion of what is so irrefragably established. No man, they maintain, who has understanding sufficient to carry him through the first proposition of Euclid, can read this master-piece of demonstration, and honestly declare that he remains unconvinced.

We have formed a very different opinion of this work. We think that the theory of Mr Mill rests altogether on false principles, and that even on those false principles he does not reason logically. Nevertheless, we do not think it strange that his speculations should have filled the Utilitarians with admiration. We have been for some time past inclined to suspect that these people, whom some regard as the lights of the world, and others as incarnate demons, are in general ordinary men, with narrow understandings, and little information. The contempt which they express for elegant literature, is evidently the contempt of ignorance. We apprehend that many of them are persons who, having read little or nothing, are delighted to be rescued from the sense of their own inferiority by some teacher, who assures them that the studies which they have neglected are of no value, puts five or six phrases into their mouths, lends them an odd number of the Westminster Review, and in a month transforms them into philosophers. Mingled with these smatterers, whose attainments just suffice to elevate them from the insignificance of dunces to the dignity of bores, and to spread dismay among their pious aunts and grandmothers, there are, we well know, many well-meaning men, who have really read and thought much; but whose reading and meditation have been almost ex-

clusively confined to one class of subjects ; and who, consequently, though they possess much valuable knowledge respecting those subjects, are by no means so well qualified to judge of a great system as if they had taken a more enlarged view of literature and society.

Nothing is more amusing or instructive than to observe the manner in which people, who think themselves wiser than all the rest of the world, fall into snares which the simple good sense of their neighbours detects and avoids. It is one of the principal tenets of the Utilitarians, that sentiment and eloquence serve only to impede the pursuit of truth. They therefore affect a quakerly plainness, or rather a cynical negligence and impurity of style. The strongest arguments, when clothed in brilliant language, seem to them so much wordy nonsense. In the meantime they surrender their understandings, with a facility found in no other party, to the meanest and most abject sophisms, provided those sophisms come before them disguised with the externals of demonstration. They do not seem to know that logic has its illusions as well as rhetoric,—that a fallacy may lurk in a syllogism as well as in a metaphor.

Mr Mill is exactly the writer to please people of this description. His arguments are stated with the utmost affectation of precision ; his divisions are awfully formal ; and his style is generally as dry as that of Euclid's Elements. Whether this be a merit, we must be permitted to doubt. Thus much is certain, that the ages in which the true principles of philosophy were least understood, were those in which the ceremonial of logic was most strictly observed, and that the time from which we date the rapid progress of the experimental sciences was also the time at which a less exact and formal way of writing came into use.

The style which the Utilitarians admire, suits only those subjects on which it is possible to reason *a priori*. It grew up with the verbal sophistry which flourished during the dark ages. With that sophistry it fell before the Baconian philosophy, in the day of the great deliverance of the human mind. The inductive method not only endured, but required, greater freedom of diction. It was impossible to reason from phenomena up to principles, to mark slight shades of difference in quality, or to estimate the comparative effect of two opposite considerations between which there was no common measure, by means of the naked and meagre jargon of the schoolmen. Of those schoolmen, Mr Mill has inherited both the spirit and the style. He is an Aristotelian of the fifteenth century, born out of due season. We have here an elaborate treatise on Government, from which, but

for two or three passing allusions, it would not appear that the author was aware that any governments actually existed among men. Certain propensities of Human Nature are assumed; and from these premises the whole science of Politics is synthetically deduced! We can scarcely persuade ourselves that we are not reading a book written before the time of Bacon and Galileo,—a book written in those days in which physicians reasoned from the nature of heat to the treatment of fever, and astronomers proved syllogistically that the planets could have no independent motion,—because the heavens were incorruptible, and nature abhorred a vacuum!

The reason, too, which Mr Mill has assigned for taking this course strikes us as most extraordinary.

'Experience,' says he, 'if we look only at the outside of the facts, appears to be divided on this subject. Absolute monarchy, under Neros and Caligulas, under such men as the Emperors of Morocco and Sultans of Turkey, is the scourge of human nature. On the other side, the people of Denmark, tired out with the oppression of an aristocracy, resolved that their king should be absolute; and, under their absolute monarch, are as well governed as any people in Europe.'

This Mr Mill actually gives as a reason for pursuing the *a priori* method. But, in our judgment, the very circumstances which he mentions, irresistibly prove that the *a priori* method is altogether unfit for investigations of this kind, and that the only way to arrive at the truth is by induction. *Experience* can never be divided, or even appear to be divided, except with reference to some hypothesis. When we say that one fact is inconsistent with another fact, we mean only that it is inconsistent with the *theory* which we have founded on that other fact. But, if the fact be certain, the unavoidable conclusion is, that our theory is false; and in order to correct it, we must reason back from an enlarged collection of facts to principles.

Now here we have two governments which, by Mr Mill's own account, come under the same head in his *theoretical* classification. It is evident, therefore, that, by reasoning on that theoretical classification, we shall be brought to the conclusion that these two forms of government must produce the same effects. But Mr Mill himself tells us, that they do not produce the same effects. Hence he infers, that the only way to get at truth is to place implicit confidence in that chain of proof *a priori*, from which it appears that they must produce the same effects! To believe at once in a theory, and in a fact which contradicts it, is an exercise of faith sufficiently hard: But, to believe in a theory because a fact contradicts it, is what neither philosopher nor pope

ever before required. This, however, is what Mr Mill demands of us. He seems to think that if all despots, without exception, governed ill, it would be unnecessary to prove, by a synthetical argument, what would then be sufficiently clear from experience. But as some despots will be so perverse as to govern well, he finds himself compelled to prove the impossibility of their governing well, by that synthetical argument, which would have been superfluous had not the facts contradicted it. He reasons *a priori*, because the phenomena are not what, by reasoning *a priori*, he will prove them to be. In other words, he reasons *a priori* because, by so reasoning, he is certain to arrive at a false conclusion!

In the course of the examination to which we propose to subject the speculations of Mr Mill, we shall have to notice many other curious instances of that turn of mind which the passage above quoted indicates.

The first chapter of his Essay relates to the ends of government. The conception on this subject, he tells us, which exists in the minds of most men, is vague and undistinguishing. He first assumes, justly enough, that the end of government is ‘to increase to the utmost the pleasures, and diminish to the utmost the pains, which men derive from each other.’ He then proceeds to show, with great form, that ‘the greatest possible happiness of society is attained by insuring to every man the greatest possible quantity of the produce of his labour.’ To effect this is, in his opinion, the end of government. It is remarkable that Mr Mill, with all his affected display of precision, has here given a description of the ends of government far less precise than that which is in the mouths of the vulgar. The first man with whom Mr Mill may travel in a stage-coach, will tell him that government exists for the protection of the persons and property of men. But Mr Mill seems to think that the preservation of property is the first and only object. It is true, doubtless, that many of the injuries which are offered to the persons of men, proceed from a desire to possess their property. But the practice of vindictive assassination, as it has existed in some parts of Europe—the practice of fighting wanton and sanguinary duels, like those of the sixteenth and seventeenth centuries, in which bands of seconds risked their lives as well as the principals;—these practices, and many others which might be named, are evidently injurious to society; and we do not see how a government which tolerated them could be said ‘to diminish to the utmost the pains which men derive from each other.’ Therefore, according to Mr Mill’s very correct assumption, such a government would not perfectly accomplish the end of its in-

stitution. Yet such a government might, as far as we can perceive, ‘insure to every man the greatest possible quantity of the produce of his labour.’ Therefore such a government might, according to Mr Mill’s subsequent doctrine, perfectly accomplish the end of its institution. The matter is not of much consequence, except as an instance of that slovenliness of thinking which is often concealed beneath a peculiar ostentation of logical neatness.

Having determined the ends, Mr Mill proceeds to consider the means. For the preservation of property, some portion of the community must be intrusted with power. This is Government; and the question is, how are those to whom the necessary power is intrusted to be prevented from abusing it?

Mr Mill first passes in review the simple forms of government. He allows that it would be inconvenient, if not physically impossible, that the whole community should meet in a mass; it follows, therefore, that the powers of government cannot be directly exercised by the people. But he sees no objection to pure and direct Democracy, except the difficulty which we have mentioned.

‘The community,’ says he, ‘cannot have an interest opposite to its interest. To affirm this would be a contradiction in terms. The community within itself, and with respect to itself, can have no sinister interest. One community may intend the evil of another; never its own. This is an indubitable proposition, and one of great importance.’

Mr Mill then proceeds to demonstrate, that a purely Aristocratical form of government is necessarily bad.

‘The reason for which government exists, is, that one man, if stronger than another, will take from him whatever that other possesses and he desires. But if one man will do this, so will several. And if powers are put into the hands of a comparatively small number, called an aristocracy,—powers which make them stronger than the rest of the community, they will take from the rest of the community as much as they please of the objects of desire. They will thus defeat the very end for which government was instituted. The unfitness, therefore, of an aristocracy to be intrusted with the powers of government, rests on demonstration.’

In exactly the same manner Mr Mill proves absolute Monarchy to be a bad form of government.

‘If government is founded upon this as a law of human nature, that a man, if able, will take from others any thing which they have and he desires, it is sufficiently evident, that when a man is called a king he does not change his nature; so that when he has got power to enable him to take from every man what he pleases, he will take what-

ever he pleases. To suppose that he will not, is to affirm that government is unnecessary, and that human beings will abstain from injuring one another of their own accord.

'It is very evident that this reasoning extends to every modification of the smaller number. Whenever the powers of government are placed in any hands other than those of the community, whether those of one man, of a few, or of several, those principles of human nature which imply that government is at all necessary, imply that those persons will make use of them to defeat the very end for which government exists.'

But is it not possible that a king or an aristocracy may soon be saturated with the objects of their desires, and may then protect the community in the enjoyment of the rest? Mr Mill answers in the negative. He proves, with great pomp, that every man desires to have the actions of every other correspondent to his will. Others can be induced to conform to our will only by motives derived from pleasure or from pain. The infliction of pain is of course direct injury; and even if it take the milder course, in order to produce obedience by motives derived from pleasure, the government must confer favours. But, as there is no limit to its desire of obedience, there will be no limit to its disposition to confer favours; and, as it can confer favours only by plundering the people, there will be no limit to its disposition to plunder the people. 'It is therefore not true, that there is in the mind of a king, or in the minds of an aristocracy, any point of saturation with the objects of desire.'

Mr Mill then proceeds to show, that as monarchical and oligarchical governments can influence men by motives drawn from pain, as well as by motives drawn from pleasure, they will carry their cruelty, as well as their rapacity, to a frightful extent. As he seems greatly to admire his own reasonings on this subject, we think it but fair to let him speak for himself.

'The chain of inference in this case is close and strong to a most unusual degree. A man desires that the actions of other men shall be instantly and accurately correspondent to his will. He desires that the actions of the greatest possible number shall be so. Terror is the grand instrument. Terror can work only through assurance that evil will follow any failure of conformity between the will and the actions willed. Every failure must therefore be punished. As there are no bounds to the mind's desire of its pleasure, there are, of course, no bounds to its desire of perfection in the instruments of that pleasure. There are, therefore, no bounds to its desire of exactness in the conformity between its will and the actions willed; and by consequence to the strength of that terror which is its procuring cause. Every the most minute failure must be visited with the heaviest infliction; and as failure in extreme exactness must frequently happen, the occasions of cruelty must be incessant.'

'We have thus arrived at several conclusions of the highest possible importance. We have seen that the principle of human nature, upon which the necessity of government is founded, the propensity of one man to possess himself of the objects of desire at the cost of another, leads on, by infallible sequence, where power over a community is attained, and nothing checks, not only to that degree of plunder which leaves the members (excepting always the recipients and instruments of the plunder) the bare means of subsistence, but to that degree of cruelty which is necessary to keep in existence the most intense terrors.'

Now, no man who has the least knowledge of the real state of the world, either in former ages or at the present moment, can possibly be convinced, though he may perhaps be bewildered, by arguments like these. During the last two centuries, some hundreds of absolute princes have reigned in Europe. Is it true, that their cruelty has kept in existence the most intense degree of terror, that their rapacity has left no more than the bare means of subsistence to any of their subjects, their ministers and soldiers excepted? Is this true of all of them? Of one half of them? Of one tenth part of them? Of a single one? Is it true, in the full extent, even of Philip the Second, of Lewis the Fifteenth, or of the Emperor Paul? But it is scarcely necessary to quote history. No man of common sense, however ignorant he may be of books, can be imposed on by Mr Mill's argument; because no man of common sense can live among his fellow-creatures for a day without seeing innumerable facts which contradict it. It is our business, however, to point out its fallacy; and happily the fallacy is not very recondite.

We grant that rulers will take as much as they can of the objects of their desires; and that when the agency of other men is necessary to that end, they will attempt by all means in their power to enforce the prompt obedience of such men. But what are the objects of human desire? Physical pleasure, no doubt, in part. But the mere appetites which we have in common with the animals, would be gratified almost as cheaply and easily as those of the animals are gratified, if nothing were given to taste, to ostentation, or to the affections. How small a portion of the income of a gentleman in easy circumstances is laid out merely in giving pleasurable sensations to the body of the possessor! The greater part even of what is spent on his kitchen and his cellar, goes not to titillate his palate, but to keep up his character for hospitality, to save him from the reproach of meanness in housekeeping, and to cement the ties of good neighbourhood. It is clear, that a king or an aristocracy may be supplied to satiety with mere corporal pleasures, at an expense which the rudest and poorest community would scarcely feel.

Those tastes and propensities which belong to us as reasoning and imaginative beings, are not indeed so easily gratified. There is, we admit, no point of saturation with objects of desire which come under this head. And therefore the argument of Mr Mill will be just, unless there be something in the nature of the objects of desire themselves which is inconsistent with it. Now, of these objects there is none which men in general seem to desire more than the good opinion of others. The hatred and contempt of the public are generally felt to be intolerable. It is probable, that our regard for the sentiments of our fellow-creatures springs by association from a sense of their ability to hurt or to serve us. But be this as it may, it is notorious, that when the habit of mind of which we speak has once been formed, men feel extremely solicitous about the opinions of those by whom it is most improbable, nay, absolutely impossible, that they should ever be in the slightest degree injured or benefited. The desire of posthumous fame, and the dread of posthumous reproach and execration, are feelings, from the influence of which scarcely any man is perfectly free, and which in many men are powerful and constant motives of action. As we are afraid that, if we handle this part of the argument after our own manner, we shall incur the reproach of sentimentalism, a word which, in the sacred language of the Benthamites, is synonymous with idiocy, we will quote what Mr Mill himself says on the subject, in his *Treatise on Jurisprudence*.

'Pains from the moral source are the pains derived from the unfavourable sentiments of mankind. . . . These pains are capable of rising to a height with which hardly any other pains incident to our nature can be compared. There is a certain degree of unfavourableness in the sentiments of his fellow-creatures, under which hardly any man, not below the standard of humanity, can endure to live.'

'The importance of this powerful agency, for the prevention of injurious acts, is too obvious to need to be illustrated. If sufficiently at command, it would almost supersede the use of other means . . . .

'To know how to direct the unfavourable sentiments of mankind, it is necessary to know in as complete, that is, in as comprehensive, a way as possible, what it is which gives them birth. Without entering into the metaphysics of the question, it is a sufficient practical answer, for the present purpose, to say that the unfavourable sentiments of man are excited by every thing which hurts them.'

It is strange that a writer who considers the pain derived from the unfavourable sentiments of others as so acute, that, if sufficiently at command, it would supersede the use of the gallows and the tread-mill, should take no notice of this most important restraint, when discussing the question of Government. We will attempt to deduce a theory of politics in the mathema-

tical form, in which Mr Mill delights, from the premises with which he has himself furnished us.

### PROPOSITION I. THEOREM.

No rulers will do any thing which may hurt the people.

This is the thesis to be maintained; and the following we humbly offer to Mr Mill, as its syllogistic demonstration.

No rulers will do that which produces pain to themselves.

But the unfavourable sentiments of the people will give pain to them.

Therefore no rulers will do any thing which may excite the unfavourable sentiments of the people.

But the unfavourable sentiments of the people are excited by every thing which hurts them.

Therefore no rulers will do any thing which may hurt the people, which was the thing to be proved.

Having thus, as we think, not unsuccessfully imitated Mr Mill's logic, we do not see why we should not imitate what is at least equally perfect in its kind, his self-complacency, and proclaim our *Eugenia* in his own words: 'The chain of inference, in this case, is close and strong to a most unusual degree.'

The fact is, that when men, in treating of things which cannot be circumscribed by precise definitions, adopt this mode of reasoning, when once they begin to talk of power, happiness, misery, pain, pleasure, motives, objects of desire, as they talk of lines and numbers, there is no end to the contradictions and absurdities into which they fall. There is no proposition so monstrously untrue in morals or politics that we will not undertake to prove it, by something which shall sound like a logical demonstration, from admitted principles.

Mr Mill argues, that if men are not inclined to plunder each other, government is unnecessary; and that, if they are so inclined, the powers of government, when intrusted to a small number of them, will necessarily be abused. Surely it is not by propounding dilemmas of this sort, that we are likely to arrive at sound conclusions in any moral science. The whole question is a question of degree. If all men preferred the moderate approbation of their neighbours, to any degree of wealth, or grandeur, or sensual pleasure, government would be unnecessary. If all men desired wealth so intensely as to be willing to brave the hatred of their fellow creatures for sixpence, Mr Mill's argument against monarchies and aristocracies would be true to the full extent. But the fact is, that all men have some desires which impel them to injure their neighbours, and some desires which impel them to benefit their neighbours. Now, if there were

a community consisting of two classes of men, one of which should be principally influenced by the one set of motives, and the other by the other, government would clearly be necessary to restrain the class which was eager for plunder, and careless of reputation : and yet the powers of government might be safely intrusted to the class which was chiefly actuated by the love of approbation. Now, it might, with no small plausibility, be maintained, that, in many countries, *there are* two classes which, in some degree, answer to this description ; that the poor compose the class which government is established to restrain ; and the people of some property the class to which the powers of government may without danger be confided. It might be said, that a man who can barely earn a livelihood by severe labour, is under stronger temptations to pillage others than a man who enjoys many luxuries. It might be said, that a man who is lost in the crowd is less likely to have the fear of public opinion before his eyes, than a man whose station and mode of living render him conspicuous. We do not assert all this. We only say, that it was Mr Mill's business to prove the contrary ; and that, not having proved the contrary, he is not entitled to say, ' that ' those principles which imply that government is at all necessary, imply that an aristocracy will make use of its power to ' defeat the end for which governments exist.' This is not true, unless it be true that a rich man is as likely to covet the goods of his neighbours as a poor man ; and that a poor man is as likely to be solicitous about the opinions of his neighbours as a rich man.

But we do not see that, by reasoning *a priori* on such subjects as these, it is possible to advance one single step. We know that every man has some desires which he can gratify only by hurting his neighbours, and some which he can gratify only by pleasing them. Mr Mill has chosen to look only at one-half of human nature, and to reason on the motives which impel men to oppress and despoil others, as if they were the only motives by which men could possibly be influenced. We have already shown that, by taking the other half of the human character, and reasoning on it as if it were the whole, we can bring out a result diametrically opposite to that at which Mr Mill has arrived. We can, by such a process, easily prove that any form of government is good, or that all government is superfluous.

We must now accompany Mr Mill on the next stage of his argument. Does any combination of the three simple forms of government afford the requisite securities against the abuse of power ? Mr Mill complains, that those who maintain the affirmative generally beg the question, and proceeds to settle the

point by proving, after his fashion, that no combination of the three simple forms, or of any two of them, can possibly exist.

‘From the principles which we have already laid down it follows that, of the objects of human desire, and, speaking more definitely, of the means to the ends of human desire, namely, wealth and power, each party will endeavour to obtain as much as possible.

‘If any expedient presents itself to any of the supposed parties effectual to this end, and not opposed to any preferred object of pursuit, we may infer, with certainty, that it will be adopted. One effectual expedient is not more effectual than obvious. Any two of the parties, by combining may swallow up the third. That such combination will take place appears to be as certain as any thing which depends upon human will; because there are strong motives in favour of it, and none that can be conceived in opposition to it. . . . . The mixture of three of the kinds of government, it is thus evident, cannot possibly exist. . . . . It may be proper to enquire, whether an union may not be possible of two of them. . . . .

‘Let us first suppose, that monarchy is united with aristocracy. Their power is equal or not equal. If it is not equal, it follows, as a necessary consequence, from the principles which we have already established, that the stronger will take from the weaker till it engrosses the whole. The only question therefore is, What will happen when the power is equal?

‘In the first place, it seems impossible that such equality should ever exist. How is it to be established? or, By what criterion is it to be ascertained? If there is no such criterion, it must, in all cases, be the result of chance. If so, the chances against it are as infinity to one. The idea, therefore, is wholly chimerical and absurd. . . . .

‘In this doctrine of the mixture of the simple forms of government is included the celebrated theory of the balance among the component parts of a government. By this it is supposed that, when a government is composed of monarchy, aristocracy, and democracy, they balance one another, and by mutual checks produce good government. A few words will suffice to show that, if any theory deserves the epithets of ‘wild, visionary, and chimerical,’ it is that of the balance. If there are three powers, How is it possible to prevent two of them from combining to swallow up the third?

‘The analysis which we have already performed will enable us to trace rapidly the concatenation of causes and effects in this imagined case.

‘We have already seen that the interest of the community, considered in the aggregate, or in the democratical point of view, is, that each individual should receive protection; and that the powers which are constituted for that purpose should be employed exclusively for that purpose. . . . . We have also seen that the interest of the king and of the governing aristocracy is directly the reverse. It is to have unlimited power over the rest of the community, and to use it for their own advantage. In the supposed case of the balance of the monarchical, aristocratical, and democratical powers, it cannot be for the inte-

rest of either the monarchy or the aristocracy to combine with the democracy; because it is the interest of the democracy, or community at large, that neither the king nor the aristocracy should have one particle of power, or one particle of the wealth of the community, for their own advantage.

'The democracy or community have all possible motives to endeavour to prevent the monarchy and aristocracy from exercising power, or obtaining the wealth of the community for their own advantage. The monarchy and aristocracy have all possible motives for endeavouring to obtain unlimited power over the persons and property of the community. The consequence is inevitable: they have all possible motives for combining to obtain that power.'

If any part of this passage be more eminently absurd than another, it is, we think, the argument by which Mr Mill proves that there cannot be an union of monarchy and aristocracy. Their power, he says, must be equal or not equal. But of equality there is no criterion. Therefore the chances against its existence are as infinity to one. If the power be not equal, then it follows, from the principles of human nature, that the stronger will take from the weaker, till it has engrossed the whole.

Now, if there be no criterion of equality between two portions of power, there can be no common measure of portions of power. Therefore it is utterly impossible to compare them together. But where two portions of power are of the same kind, there is no difficulty in ascertaining, sufficiently for all practical purposes, whether they are equal or unequal. It is easy to judge whether two men run equally fast, or can lift equal weights. Two arbitrators, whose joint decision is to be final, and neither of whom can do any thing without the assent of the other, possess equal power. Two electors, each of whom has a vote for a borough, possess, in that respect, equal power. If not, all Mr Mill's political theories fall to the ground at once. For if it be impossible to ascertain whether two portions of power are equal, he never can show that, even under a system of universal suffrage, a minority might not carry every thing their own way, against the wishes and interests of the majority.

Where there are two portions of power differing in kind, there is, we admit, no criterion of equality. But then, in such a case, it is absurd to talk, as Mr Mill does, about the stronger and the weaker. Popularly, indeed, and with reference to some particular objects, these words may very fairly be used. But to use them mathematically, is altogether improper. If we are speaking of a boxing-match, we may say that some famous bruiser has greater bodily power than any man in England. If we are speaking of a pantomime, we may say the same of some very agile Harlequin. But it would be talking nonsense to say, in ge-

neral, that the power of Harlequin either exceeded that of the pugilist, or fell short of it.

If Mr Mill's argument be good as between different branches of a legislature, it is equally good as between sovereign powers. Every government, it may be said, will, if it can, take the objects of its desires from every other. If the French government can subdue England, it will do so. If the English government can subdue France, it will do so. But the power of England and France is either equal or not equal. The chance that it is not exactly equal is as infinity to one, and may safely be left out of the account ; and then the stronger will infallibly take from the weaker, till the weaker is altogether enslaved.

Surely the answer to all this hubbub of unmeaning words is the plainest possible. For some purposes, France is stronger than England. For some purposes, England is stronger than France. For some, neither has any power at all. France has the greater population, England the greater capital ; France has the greater army, England the greater fleet. For an expedition to Rio Janeiro or the Philippines, England has the greater power. For a war on the Po or the Danube, France has the greater power. But neither has power sufficient to keep the other in quiet subjection for a month. Invasion would be very perilous ; the idea of complete conquest on either side utterly ridiculous. This is the manly and sensible way of discussing such questions. The *ergo*, or rather the *argal*, of Mr Mill, cannot impose on a child. Yet we oughts scarcely to say this ; for we remember to have heard a *child* ask whether Bonaparte was stronger than an elephant !

Mr Mill reminds us of those philosophers of the sixteenth century, who, having satisfied themselves *a priori* that the rapidity with which bodies descended to the earth varied exactly as their weights, refused to believe the contrary on the evidence of their own eyes and ears. The British constitution, according to Mr Mill's classification, is a mixture of monarchy and aristocracy ; one House of Parliament being composed of hereditary nobles, and the other almost entirely chosen by a privileged class, who possess the elective franchise on account of their property, or their connexion with certain corporations. Mr Mill's argument proves that, from the time that these two powers were mingled in our government, that is, from the very first dawn of our history, one or the other must have been constantly encroaching. According to him, moreover, all the encroachments must have been on one side. For the first encroachment could only have been made by the stronger, and that first encroachment would have made the stronger stronger still. It is, therefore, matter of absolute demonstration, that either the Parliament was stronger than the

Crown in the reign of Henry VIII., or that the Crown was stronger than the Parliament in 1641. ‘Hippocrate dira ce que ‘lui plaira,’ says the girl in Moliere; ‘mais le cocher est mort.’ Mr Mill may say what he pleases; but the English constitution is still alive. That, since the Revolution, the Parliament has possessed great power in the state, is what nobody will dispute. The King, on the other hand, can create new peers, and can dissolve Parliaments. William sustained severe mortifications from the House of Commons, and was, indeed, unjustifiably oppressed. Anne was desirous to change a ministry which had a majority in both Houses. She watched her moment for a dissolution, created twelve Tory peers, and succeeded. Thirty years later, the House of Commons drove Walpole from his seat. In 1784, George III. was able to keep Mr Pitt in office, in the face of a majority of the House of Commons. In 1804, the apprehension of a defeat in Parliament compelled the same King to part from his most favoured minister. But in 1807, he was able to do exactly what Anne had done nearly a hundred years before. Now, had the power of the King increased during the intervening century, or had it remained stationary? Is it possible that the one lot among the infinite number should have fallen to us? If not, Mr Mill has proved that one of the two parties must have been constantly taking from the other. Many of the ablest men in England think that the influence of the Crown has, on the whole, increased since the reign of Anne. Others think that the Parliament has been growing in strength. But of this there is no doubt, that both sides possessed great power then, and possess great power now. Surely, if there were the least truth in the argument of Mr Mill, it could not possibly be a matter of doubt, at the end of a hundred and twenty years, whether the one side or the other had been the gainer.

But we ask pardon. We forgot that a fact, irreconcilable with Mr Mill’s theory, furnishes, in his opinion, the strongest reason for adhering to the theory. To take up the question in another manner, is it not plain that there may be two bodies, each possessing a perfect and entire power, which cannot be taken from it without its own concurrence? What is the meaning of the words stronger and weaker, when applied to such bodies as these? The one may, indeed, by physical force altogether destroy the other. But this is not the question. A third party, a general of their own, for example, may, by physical force, subjugate them both: Nor is there any form of government, Mr Mill’s Utopian democracy not excepted, secure from such an occurrence. We are speaking of the powers with which the constitution invests the two branches of the legislature; and we ask Mr

Mill how, on his own principles, he can maintain that one of them will be able to encroach on the other, if the consent of the other be necessary to such encroachment?

Mr Mill tells us, that if a government be composed of the three simple forms, which he will not admit the British constitution to be, two of the component parts will inevitably join against the third. Now, if two of them combine and act as one, this case evidently resolves itself into the last; and all the observations which we have just made will fully apply to it. Mr Mill says, that 'any two of the parties, by combining, may swallow up the third;' and afterwards asks, 'How it is possible to prevent two of them from combining to swallow up the third?' Surely Mr Mill must be aware, that in politics two is not always the double of one. If the concurrence of all the three branches of the legislature be necessary to every law, each branch will possess constitutional power sufficient to protect it against any thing but that physical force, from which no form of government is secure. Mr Mill reminds us of the Irishman, who could not be brought to understand how one juryman could possibly starve out eleven others.

But is it certain that two of the branches of the legislature will combine against the third? 'It appears to be as certain,' says Mr Mill, 'as any thing which depends upon human will; because there are strong motives in favour of it, and none that can be conceived in opposition to it.' He subsequently sets forth what these motives are. The interest of the democracy is, that each individual should receive protection. The interest of the King and the aristocracy is, to have all the power that they can obtain, and to use it for their own ends. Therefore the King and the aristocracy have all possible motives for combining against the people. If our readers will look back to the passage quoted above, they will see that we represent Mr Mill's argument quite fairly.

Now we should have thought that, without the help of either history or experience, Mr Mill would have discovered, by the light of his own logic, the fallacy which lurks, and indeed scarcely lurks, under this pretended demonstration. The interest of the King may be opposed to that of the people. But is it identical with that of the aristocracy? In the very page which contains this argument, intended to prove that the King and the aristocracy will coalesce against the people, Mr Mill attempts to show that there is so strong an opposition of interest between the King and the aristocracy, that if the powers of government are divided between them, the one will inevitably usurp the power of the other. If so, he is not entitled to conclude that

they will combine to destroy the power of the people, merely because their interests may be at variance with those of the people. He is bound to show, not merely that in all communities the interest of a king must be opposed to that of the people, but also that, in all communities, it must be more directly opposed to the interest of the people than to the interest of the aristocracy. But he has not shown this. Therefore he has not proved his proposition on his own principles. To quote history would be a mere waste of time. Every schoolboy, whose studies have gone so far as the Abridgements of Goldsmith, can mention instances in which sovereigns have allied themselves with the people against the aristocracy, and in which the nobles have allied themselves with the people against the sovereign. In general, when there are three parties, every one of which has much to fear from the others, it is not found that two of them combine to plunder the third. If such a combination be formed, it scarcely ever effects its purpose. It soon becomes evident which member of the coalition is likely to be the greater gainer by the transaction. He becomes an object of jealousy to his ally, who, in all probability, changes sides, and compels him to restore what he has taken. Every body knows how Henry VIII. trimmed between Francis and the Emperor Charles. But it is idle to cite examples of the operation of a principle which is illustrated in almost every page of history, ancient or modern, and to which almost every state in Europe has, at one time or another, been indebted for its independence.

Mr Mill has now, as he conceives, demonstrated that the simple forms of government are bad, and that the mixed forms cannot possibly exist. There is still, however, it seems, a hope for mankind.

'In the grand discovery of modern times, the system of representation, the solution of all the difficulties, both speculative and practical, will perhaps be found. If it cannot, we seem to be forced upon the extraordinary conclusion, that good government is impossible. For as there is no individual or combination of individuals, except the community itself, who would not have an interest in bad government, if intrusted with its powers, and as the community itself is incapable of exercising those powers, and must intrust them to certain individuals, the conclusion is obvious : the community itself must check those individuals, else they will follow their interest, and produce bad government. But how is it the community can check? The community can act only when assembled ; and when assembled, it is incapable of acting. The community, however, can choose representatives.'

The next question is—How must the representative body be constituted? Mr Mill lays down two principles, about which, he says, 'it is unlikely that there will be any dispute.'

' First, The checking body must have a degree of power sufficient for the business of checking.

' Secondly, It must have an identity of interest with the community. Otherwise, it will make a mischievous use of its power.'

The first of these propositions certainly admits of no dispute. As to the second, we shall hereafter take occasion to make some remarks on the sense in which Mr Mill understands the words, 'interest of the community.'

It does not appear very easy, on Mr Mill's principles, to find out any mode of making the interest of the representative body identical with that of the constituent body. The plan proposed by Mr Mill is simply that of very frequent election. 'As it appears,' says he, 'that limiting the duration of their power is a security against the sinister interest of the people's representatives, so it appears that it is the only security of which the nature of the case admits.' But all the arguments by which Mr Mill has proved monarchy and aristocracy to be pernicious, will, as it appears to us, equally prove this security to be no security at all. Is it not clear that the representatives, as soon as they are elected, are an aristocracy, with an interest opposed to the interest of the community? Why should they not pass a law for extending the term of their power from one year to ten years, or declare themselves senators for life? If the whole legislative power is given to them, they will be constitutionally competent to do this. If part of the legislative power is withheld from them, to whom is that part given? Is the people to retain it, and to express its assent or dissent in primary assemblies? Mr Mill himself tells us that the community can only act when assembled, and that, when assembled, it is incapable of acting. Or is it to be provided, as in some of the American republics, that no change in the fundamental laws shall be made without the consent of a convention, specially elected for the purpose? Still the difficulty recurs: Why may not the members of the convention betray their trust, as well as the members of the ordinary legislature? When private men, they may have been zealous for the interests of the community. When candidates, they may have pledged themselves to the cause of the constitution. But as soon as they are a convention, as soon as they are separated from the people, as soon as the supreme power is put into their hands, commences that interest, opposite to the interest of the community, which must, according to Mr Mill, produce measures opposite to the interests of the community. We must find some other means, therefore, of checking this check upon a check;

some other prop to carry the tortoise, that carries the elephant, that carries the world.

We know well that there is no real danger in such a case. But there is no danger, only because there is no truth in Mr Mill's principles. If men were what he represents them to be, the letter of the very constitution which he recommends would afford no safeguard against bad government. The real security is this, that legislators will be deterred by the fear of resistance and of infamy, from acting in the manner which we have described. But restraints, exactly the same in kind, and differing only in degree, exist in all forms of government. That broad line of distinction which Mr Mill tries to point out between monarchies and aristocracies on the one side, and democracies on the other, has in fact no existence. In no form of government is there an absolute identity of interest between the people and their rulers. In every form of government, the rulers stand in some awe of the people. The fear of resistance and the sense of shame operate, in a certain degree, on the most absolute kings and the most illiberal oligarchies. And nothing but the fear of resistance and the sense of shame preserves the freedom of the most democratic communities from the encroachments of their annual and biennial delegates.

We have seen how Mr Mill proposes to render the interest of the representative body identical with that of the constituent body. The next question is, in what manner the interest of the constituent body is to be rendered identical with that of the community. Mr Mill shows that a minority of the community, consisting even of many thousands, would be a bad constituent body, and, indeed, merely a numerous aristocracy.

'The benefits of the representative system,' says he, 'are lost, in all cases in which the interests of the choosing body are not the same with those of the community. It is very evident, that if the community itself were the choosing body, the interest of the community and that of the choosing body would be the same.'

On these grounds Mr Mill recommends that all males of mature age, rich and poor, educated and ignorant, shall have votes. But why not the women too? This question has often been asked in parliamentary debate, and has never, to our knowledge, received a plausible answer. Mr Mill escapes from it as fast as he can. But we shall take the liberty to dwell a little on the words of the oracle. 'One thing,' says he, 'is pretty clear, that all those individuals whose interests are involved in those of other individuals, may be struck off without inconvenience... .

' . . . . In this light Women may be regarded, the interest of ' almost all of whom is involved either in that of their fathers, ' or in that of their husbands.'

If we were to content ourselves with saying, in answer to all the arguments in Mr Mill's *Essay*, that the interest of a king is involved in that of the community, we should be accused, and justly, of talking nonsense. Yet such an assertion would not, as far as we can perceive, be more unreasonable than that which Mr Mill has here ventured to make. Without adducing one fact, without taking the trouble to perplex the question by one sophism, he placidly dogmatizes away the interests of one half of the human race. If there be a word of truth in history, women have always been, and still are, over the greater part of the globe, humble companions, playthings, captives, menials, beasts of burden. Except in a few happy and highly civilized communities, they are strictly in a state of personal slavery. Even in those countries where they are best treated, the laws are generally unfavourable to them, with respect to almost all the points in which they are most deeply interested.

Mr Mill is not legislating for England or the United States ; but for mankind. Is then the interest of a Turk the same with that of the girls who compose his haram ? Is the interest of a Chinese the same with that of the woman whom he harnesses to his plough ? Is the interest of an Italian the same with that of the daughter whom he devotes to God ? The interest of a respectable Englishman may be said, without any impropriety, to be identical with that of his wife. But why is it so ? Because human nature is *not* what Mr Mill conceives it to be ; because civilized men, pursuing their own happiness in a social state, are not Yahoos fighting for carrion ; because there is a pleasure in being loved and esteemed, as well as in being feared and servilely obeyed. Why does not a gentleman restrict his wife to the bare maintenance which the law would compel him to allow her, that he may have more to spend on his personal pleasures ? Because, if he loves her, he has pleasure in seeing her pleased ; and because, even if he dislikes her, he is unwilling that the whole neighbourhood should cry shame on his meanness and ill-nature. Why does not the legislature, altogether composed of males, pass a law to deprive women of all civil privileges whatever, and reduce them to the state of slaves ? By passing such a law, they would gratify what Mr Mill tells us is an inseparable part of human nature, the desire to possess unlimited power of inflicting pain upon others. That they do not pass such a law, though they have the power to pass it, and that no man in England wishes to see such a law passed, proves that the desire

to possess unlimited power of inflicting pain is not inseparable from human nature.

If there be in this country an identity of interest between the two sexes, it cannot possibly arise from any thing but the pleasure of being loved, and of communicating happiness. For that it does not spring from the mere instinct of sex, the treatment which women experience over the greater part of the world abundantly proves. And if it be said that our laws of marriage have produced it, this only removes the argument a step further; for those laws have been made by males. Now, if the kind feelings of one half of the species be a sufficient security for the happiness of the other, why may not the kind feelings of a monarch or an aristocracy be sufficient at least to prevent them from grinding the people to the very utmost of their power?

If Mr Mill will examine why it is that women are better treated in England than in Persia, he may perhaps find out, in the course of his enquiries, why it is that the Danes are better governed than the subjects of Caligula.

We now come to the most important practical question in the whole Essay. Is it desirable that all males arrived at years of discretion should vote for representatives, or should a pecuniary qualification be required? Mr Mill's opinion is, that the lower the qualification the better; and that the best system is that in which there is none at all.

'The qualification,' says he, 'must either be such as to embrace the majority of the population, or something less than the majority. Suppose, in the first place, that it embraces the majority, the question is, whether the majority would have an interest in oppressing those who, upon this supposition, would be deprived of political power? If we reduce the calculation to its elements, we shall see that the interest which they would have of this deplorable kind, though it would be something, would not be very great. Each man of the majority, if the majority were constituted the governing body, would have something less than the benefit of oppressing a single man. If the majority were twice as great as the minority, each man of the majority would only have one half the benefit of oppressing a single man . . . . . Suppose, in the second place, that the qualification did not admit a body of electors so large as the majority, in that case, taking again the calculation in its elements, we shall see that each man would have a benefit equal to that derived from the oppression of more than one man; and that, in proportion as the elective body constituted a smaller and smaller minority, the benefit of misrule to the elective body would be increased, and bad government would be insured.'

The first remark which we have to make on this argument is, that, by Mr Mill's own account, even a government in which

every human being should vote would still be defective. For, under a system of universal suffrage, the majority of the electors return the representative, and the majority of the representatives make the law. The whole people may vote, therefore, but only the majority govern. So that, by Mr Mill's own confession, the most perfect system of government conceivable, is one in which the interest of the ruling body to oppress, though not great, is something.

But is Mr Mill in the right, when he says that such an interest could not be very great? We think not. If, indeed, every man in the community possessed an equal share of what Mr Mill calls the objects of desire, the majority would probably abstain from plundering the minority. A large minority would offer a vigorous resistance; and the property of a small minority would not repay the other members of the community for the trouble of dividing it. But it happens that in all civilized communities there is a small minority of rich men, and a great majority of poor men. If there were a thousand men with ten pounds a-piece, it would not be worth while for nine hundred and ninety of them to rob ten, and it would be a bold attempt for six hundred of them to rob four hundred. But if ten of them had a hundred thousand pounds a-piece, the case would be very different. There would then be much to be got, and nothing to be feared.

'That one human being will desire to render the person and property of another subservient to his pleasures, notwithstanding the pain or loss of pleasure which it may occasion to that other individual, is,' according to Mr Mill, 'the foundation of government.' That the property of the rich minority can be made subservient to the pleasures of the poor majority, will scarcely be denied. But Mr Mill proposes to give the poor majority power over the rich minority. Is it possible to doubt to what, on his own principles, such an arrangement must lead?

It may perhaps be said that, in the long run, it is for the interest of the people that property should be secure, and that therefore they will respect it. We answer thus:—It cannot be pretended that it is not for the immediate interest of the people to plunder the rich. Therefore, even if it were quite certain that, in the long run, the people would, as a body, lose by doing so, it would not necessarily follow that the fear of remote ill consequences would overcome the desire of immediate acquisitions. Every individual might flatter himself that the punishment would not fall on him. Mr Mill himself tells us, in his *Essay on Jurisprudence*, that no quantity of evil which is remote and uncertain will suffice to prevent crime.

But we are rather inclined to think that it would, on the whole, be for the interest of the majority to plunder the rich. If so, the Utilitarians will say, that the rich *ought* to be plundered. We deny the inference. For, in the first place, if the object of government be the greatest happiness of the greatest number, the intensity of the suffering which a measure inflicts must be taken into consideration, as well as the number of the sufferers. In the next place, we have to notice one most important distinction which Mr Mill has altogether overlooked. Throughout his Essay, he confounds the community with the species. He talks of the greatest happiness of the greatest number: but when we examine his reasonings, we find that he thinks only of the greatest number of a single generation.

Therefore, even if we were to concede, that all those arguments of which we have exposed the fallacy, are unanswerable, we might still deny the conclusion at which the essayist arrives. Even if we were to grant that he had found out the form of government which is best for the majority of the people now living on the face of the earth, we might still without inconsistency maintain that form of government to be pernicious to mankind. It would still be incumbent on Mr Mill to prove that the interest of every generation is identical with the interest of all succeeding generations. And how on his own principles he could do this we are at a loss to conceive.

The case, indeed, is strictly analogous to that of an aristocratical government. In an aristocracy, says Mr Mill, the few, being invested with the powers of government, can take the objects of their desires from the people. In the same manner, every generation in turn can gratify itself at the expense of posterity,—priority of time, in the latter case, giving an advantage exactly corresponding to that which superiority of station gives in the former. That an aristocracy will abuse its advantage, is, according to Mr Mill, matter of demonstration. Is it not equally certain, that the whole people will do the same; that, if they have the power, they will commit waste of every sort on the estate of mankind, and transmit it to posterity impoverished and desolated?

How is it possible for any person who holds the doctrines of Mr Mill to doubt, that the rich, in a democracy such as that which he recommends, would be pillaged as unmercifully as under a Turkish Pacha? It is no doubt for the interest of the next generation, and it may be for the remote interest of the present generation, that property should be held sacred. And so no doubt it will be for the interest of the next Pacha, and even for that of the present Pacha, if he should hold office long,

that the inhabitants of his Pachalik should be encouraged to accumulate wealth. Scarcely any despotic sovereign has plundered his subjects to a large extent, without having reason before the end of his reign to regret it. Every body knows how bitterly Louis the Fourteenth, towards the close of his life, lamented his former extravagance. If that magnificent prince had not expended millions on Marli and Versailles, and tens of millions on the aggrandizement of his grandson, he would not have been compelled at last to pay servile court to low-born money-lenders, to humble himself before men, on whom, in the days of his pride, he would not have vouchsafed to look, for the means of supporting even his own household. Examples to the same effect might easily be multiplied. But despots, we see, do plunder their subjects, though history and experience tell them, that by prematurely exacting the means of profusion, they are in fact devouring the seed-corn, from which the future harvest of revenue is to spring. Why then should we suppose that the people will be deterred from procuring immediate relief and enjoyment by the fear of distant calamities, of calamities which perhaps may not be fully felt till the times of their grandchildren?

These conclusions are strictly drawn from Mr Mill's own principles: and, unlike most of the conclusions which he has himself drawn from those principles, they are not, as far as we know, contradicted by facts. The case of the United States is not in point. In a country where the necessities of life are cheap and the wages of labour high, where a man who has no capital but his legs and arms may expect to become rich by industry and frugality, it is not very decidedly even for the immediate advantage of the poor to plunder the rich; and the punishment of doing so would very speedily follow the offence. But in countries in which the great majority live from hand to mouth, and in which vast masses of wealth have been accumulated by a comparatively small number, the case is widely different. The immediate want is, at particular seasons, craving, imperious, irresistible. In our own time, it has steeled men to the fear of the gallows, and urged them on the point of the bayonet. And if these men had at their command that gallows, and those bayonets, which now scarcely restrain them, what is to be expected? Nor is this state of things one which can exist only under a bad government. If there be the least truth in the doctrines of the school to which Mr Mill belongs, the increase of population will necessarily produce it every where. The increase of population is accelerated by good and cheap government. Therefore, the better the government, the greater

is the inequality of conditions : and the greater the inequality of conditions, the stronger are the motives which impel the populace to spoliation. As for America, we appeal to the twentieth century.

It is scarcely necessary to discuss the effects which a general spoliation of the rich would produce. It may indeed happen, that where a legal and political system full of abuses is inseparably bound up with the institution of property, a nation may gain by a single convulsion, in which both perish together. The price is fearful : But if, when the shock is over, a new order of things should arise, under which property may enjoy security, the industry of individuals will soon repair the devastation. Thus we entertain no doubt that the revolution was, on the whole, a most salutary event for France. But would France have gained, if, ever since the year 1793, she had been governed by a democratic convention ? If Mr Mill's principles be sound, we say that almost her whole capital would by this time have been annihilated. As soon as the first explosion was beginning to be forgotten, as soon as wealth again began to germinate, as soon as the poor again began to compare their cottages and sallads with the hotels and banquets of the rich, there would have been another scramble for property, another maximum, another general confiscation, another reign of terror. Four or five such convulsions following each other, at intervals of ten or twelve years, would reduce the most flourishing countries of Europe to the state of Barbary or the Morea.

The civilized part of the world has now nothing to fear from the hostility of savage nations. Once the deluge of barbarism has passed over it, to destroy and to fertilize ; and in the present state of mankind we enjoy a full security against that calamity. That flood will no more return to cover the earth. But is it possible that, in the bosom of civilisation itself, may be engendered the malady which shall destroy it ? Is it possible that institutions may be established which, without the help of earthquake, of famine, of pestilence, or of the foreign sword, may undo the work of so many ages of wisdom and glory, and gradually sweep away taste, literature, science, commerce, manufactures, every thing but the rude arts necessary to the support of animal life ? Is it possible, that in two or three hundred years, a few lean and half-naked fishermen may divide with owls and foxes the ruins of the greatest of European cities—may wash their nets amidst the relics of her gigantic docks, and build their huts out of the capitals of her stately cathedrals ? If the principles of Mr Mill be sound, we say without hesitation, that the form of government which he recommends will assuredly pro-

duce all this. But if these principles be unsound, if the reasonings by which we have opposed them be just, the higher and middling orders are the natural representatives of the human race. Their interest may be opposed, in some things, to that of their poorer contemporaries, but it is identical with that of the innumerable generations which are to follow.

Mr Mill concludes his *Essay*, by answering an objection often made to the project of universal suffrage—that the people do not understand their own interests. We shall not go through his arguments on this subject, because, till he has proved, that it is for the interest of the people to respect property, he only makes matters worse, by proving that they understand their interests. But we cannot refrain from treating our readers with a delicious *bonne bouche* of wisdom, which he has kept for the last moment.

'The opinions of that class of the people who are below the middle rank are formed, and their minds are directed, by that intelligent, that virtuous rank, who come the most immediately in contact with them, who are in the constant habit of intimate communication with them, to whom they fly for advice and assistance in all their numerous difficulties, upon whom they feel an immediate and daily dependence in health and in sickness, in infancy and in old age, to whom their children look up as models for their imitation, whose opinions they hear daily repeated, and account it their honour to adopt. There can be no doubt that the middle rank, which gives to science, to art, and to legislation itself, their most distinguished ornaments, and is the chief source of all that has exalted and refined human nature, is that portion of the community, of which, if the basis of representation were ever so far extended, the opinion would ultimately decide. Of the people beneath them, a vast majority would be sure to be guided by their advice and example.'

This single paragraph is sufficient to upset Mr Mill's theory. Will the people act against their own interest? Or will the middle rank act against its own interest? Or is the interest of the middle rank identical with the interest of the people? If the people act according to the directions of the middle rank, as Mr Mill says that they assuredly will, one of these three questions must be answered in the affirmative. But if any one of the three be answered in the affirmative, his whole system falls to the ground. If the interest of the middle rank be identical with that of the people, why should not the powers of government be intrusted to that rank? If the powers of government were intrusted to that rank, there would evidently be an aristocracy of wealth; and 'to constitute an aristocracy of wealth, though it were a very numerous one, would,' according to Mr Mill, 'leave the community without protection, and exposed to all the

'evils of unbridled power.' Will not the same motives which induce the middle classes to abuse one kind of power, induce them to abuse another? If their interest be the same with that of the people, they will govern the people well. If it be opposite to that of the people, they will advise the people ill. The system of universal suffrage, therefore, according to Mr Mill's own account, is only a device for doing circuitously, what a representative system, with a pretty high qualification, would do directly.

So ends this celebrated Essay. And such is this philosophy, for which the experience of three thousand years is to be discarded; this philosophy, the professors of which speak as if it had guided the world to the knowledge of navigation and alphabetical writing; as if, before its dawn, the inhabitants of Europe had lived in caverns and eaten each other! We are sick, it seems, like the children of Israel, of the objects of our old and legitimate worship. We pine for a new idolatry. All that is costly and all that is ornamental in our intellectual treasures must be delivered up, and cast into the furnace—and there comes out this Calf!

Our readers can scarcely mistake our object in writing this article. They will not suspect us of any disposition to advocate the cause of absolute monarchy, or of any narrow form of oligarchy, or to exaggerate the evils of popular government. Our object at present is, not so much to attack or defend any particular system of polity, as to expose the vices of a kind of reasoning utterly unfit for moral and political discussions; of a kind of reasoning which may so readily be turned to purposes of falsehood, that it ought to receive no quarter, even when by accident it may be employed on the side of truth.

Our objection to the Essay of Mr Mill is fundamental. We believe that it is utterly impossible to deduce the science of government from the principles of human nature.

What proposition is there respecting human nature which is absolutely and universally true? We know of only one: and that is not only true, but identical; that men always act from self-interest. This tedium the Utilitarians proclaim with as much pride as if it were new, and as much zeal as if it were important. But in fact, when explained, it means only that men, if they can, will do as they choose. When we see the actions of a man, we know with certainty what he thinks his interest to be. But it is impossible to reason with certainty from what we take to be his interest to his actions. One man goes without a dinner, that he may add a shilling to a hundred thousand pounds: another runs in debt to give balls and mas-

querades. One man cuts his father's throat to get possession of his old clothes : another hazards his own life to save that of an enemy. One man volunteers on a forlorn hope : another is drummed out of a regiment for cowardice. Each of these men has, no doubt, acted from self-interest. But we gain nothing by knowing this, except the pleasure, if it be one, of multiplying useless words. In fact, this principle is just as recondite, and just as important, as the great truth, that whatever is, is. If a philosopher were always to state facts in the following form—‘ There is a shower : but whatever is, is ; therefore, there is a ‘shower,’ his reasoning would be perfectly sound ; but we do not apprehend that it would materially enlarge the circle of human knowledge. And it is equally idle to attribute any importance to a proposition, which, when interpreted, means only that a man had rather do what he had rather do.

If the doctrine that men always act from self-interest, be laid down in any other sense than this—if the meaning of the word self-interest be narrowed so as to exclude any one of the motives which may by possibility act on any human being,—the proposition ceases to be identical ; but at the same time it ceases to be true.

What we have said of the word ‘self-interest’ applies to all the synomymes and circumlocutions which are employed to convey the same meaning ; pain and pleasure, happiness and misery, objects of desire, and so forth.

The whole art of Mr Mill's *Essay* consists in one simple trick of legerdemain. It consists in using words of the sort which we have been describing, first in one sense and then in another. Men will take the objects of their desire if they can. Unquestionably :—but this is an identical proposition : For an object of desire means merely a thing which a man will procure if he can. Nothing can possibly be inferred from a maxim of this kind. When we see a man take something, we shall know that it was an object of his desire. But till then, we have no means of judging with certainty what he desires, or what he will take. The general proposition, however, having been admitted, Mr Mill proceeds to reason as if men had no desires but those which can be gratified only by spoliation and oppression. It then becomes easy to deduce doctrines of vast importance from the original axiom. The only misfortune is, that by thus narrowing the meaning of the word desire, the axiom becomes false, and all the doctrines consequent upon it are false likewise.

When we pass beyond those maxims which it is impossible to deny without a contradiction in terms, and which, therefore, do not enable us to advance a single step in practical knowledge,

we do not believe that it is possible to lay down a single general rule respecting the motives which influence human actions. There is nothing which may not, by association or by comparison, become an object either of desire or of aversion. The fear of death is generally considered as one of the strongest of our feelings. It is the most formidable sanction which legislators have been able to devise. Yet it is notorious that, as Lord Bacon has observed, there is no passion by which that fear has not been often overcome. Physical pain is indisputably an evil; yet it has been often endured, and even welcomed. Innumerable martyrs have exulted in torments which made the spectators shudder; and, to use a more homely illustration, there are few wives who do not long to be mothers.

Is the love of approbation a stronger motive than the love of wealth? It is impossible to answer this question generally, even in the case of an individual with whom we are very intimate. We often say, indeed, that a man loves fame more than money, or money more than fame. But this is said in a loose and popular sense; for there is scarcely a man who would not endure a few sneers for a great sum of money, if he were in pecuniary distress; and scarcely a man, on the other hand, who, if he were in flourishing circumstances, would expose himself to the hatred and contempt of the public for a trifle. In order, therefore, to return a precise answer, even about a single human being, we must know what is the amount of the sacrifice of reputation demanded, and of the pecuniary advantage offered, and in what situation the person to whom the temptation is proposed stands at the time. But when the question is propounded generally about the whole species, the impossibility of answering is still more evident. Man differs from man; generation from generation; nation from nation. Education, station, sex, age, accidental associations, produce infinite shades of variety.

Now, the only mode in which we can conceive it possible to deduce a theory of government from the principles of human nature, is this. We must find out what are the motives which, in a particular form of government, impel rulers to bad measures, and what are those which impel them to good measures. We must then compare the effect of the two classes of motives; and according as we find the one or the other to prevail, we must pronounce the form of government in question good or bad.

Now let it be supposed that, in aristocratical and monarchial states, the desire of wealth, and other desires of the same class, always tend to produce misgovernment, and that the love of approbation, and other kindred feelings, always tend to produce good government. Then, if it be impossible, as we have

shown that it is, to pronounce generally which of the two classes of motives is the more influential, it is impossible to find out, *a priori*, whether a monarchical or aristocratical form of government be good or bad.

Mr Mill has avoided the difficulty of making the comparison, by very coolly putting all the weights into one of the scales,—by reasoning as if no human being had ever sympathized with the feelings, been gratified by the thanks, or been galled by the execrations, of another.

The case, as we have put it, is decisive against Mr Mill; and yet we have put it in a manner far too favourable to him. For in fact, it is impossible to lay it down as a general rule, that the love of wealth in a sovereign always produces misgovernment, or the love of approbation good government. A patient and far-sighted ruler, for example, who is less desirous of raising a great sum immediately, than of securing an unencumbered and progressive revenue, will, by taking off restraints from trade, and giving perfect security to property, encourage accumulation, and entice capital from foreign countries. The commercial policy of Prussia, which is perhaps superior to that of any government in the world, and which puts to shame the absurdities of our republican brethren on the other side of the Atlantic, has probably sprung from the desire of an absolute ruler to enrich himself. On the other hand, when the popular estimate of virtues and vices is erroneous, which is too often the case, the love of approbation leads sovereigns to spend the wealth of the nation on useless shows, or to engage in wanton and destructive wars. If then we can neither compare the strength of two motives, nor determine with certainty to what description of actions either motive will lead, how can we possibly deduce a theory of government from the nature of man?

How then are we to arrive at just conclusions on a subject so important to the happiness of mankind? Surely by that method, which, in every experimental science to which it has been applied, has signally increased the power and knowledge of our species,—by that method for which our new philosophers would substitute quibbles scarcely worthy of the barbarous respondents and opponents of the middle ages,—by the method of Induction;—by observing the present state of the world,—by assiduously studying the history of past ages,—by sifting the evidence of facts,—by carefully combining and contrasting those which are authentic,—by generalizing with judgment and diffidence,—by perpetually bringing the theory which we have constructed to the test of new facts,—by correcting, or altogether abandoning it, according as those new facts prove it to be

partially or fundamentally unsound. Proceeding thus,—patiently,—diligently,—candidly,—we may hope to form a system as far inferior in pretension to that which we have been examining, and as far superior to it in real utility, as the prescriptions of a great physician, varying with every stage of every malady, and with the constitution of every patient, to the pill of the advertising quack, which is to cure all human beings, in all climates, of all diseases.

This is that noble Science of Politics, which is equally removed from the barren theories of the Utilitarian sophists, and from the petty craft, so often mistaken for statesmanship by minds grown narrow in habits of intrigue, jobbing, and official etiquette;—which, of all sciences, is the most important to the welfare of nations,—which, of all sciences, most tends to expand and invigorate the mind,—which draws nutriment and ornament from every part of philosophy and literature, and dispenses, in return, nutriment and ornament to all. We are sorry and surprised when we see men of good intentions and good natural abilities abandon this healthful and generous study, to pore over speculations like those which we have been examining. And we should heartily rejoice to find that our remarks had induced any person of this description to employ, in researches of real utility, the talents and industry which are now wasted on verbal sophisms, wretched of their wretched kind.

As to the greater part of the sect, it is, we apprehend, of little consequence, what they study, or under whom. It would be more amusing, to be sure, and more reputable, if they would take up the old republican cant, and declaim about Brutus and Timoleon, the duty of killing tyrants, and the blessedness of dying for liberty. But, on the whole, they might have chosen worse. They may as well be Utilitarians as jockeys or dandies. And though quibbling about self-interest and motives, and objects of desire, and the greatest happiness of the greatest number, is but a poor employment for a grown man, it certainly hurts the health less than hard drinking, and the fortune less than high play: it is not much more laughable than phrenology, and is immeasurably more humane than cock-fighting.

**ART. VIII.—Report of the Proceedings of the House of Lords on the Claims to the Barony of Gardner; with an Appendix, containing a collection of Cases illustrative of the Law of Legitimacy.** By DENIS LE MARCHANT, Esq. of Lincoln's Inn, Barrister at Law. 8vo, London, 1828. Henry Butterworth. Pp. 505.

'**I**t is a wise child that knows its own father' says the proverb; and 'it is a wise father who knows his own child,' say we,—after due consideration of the learned volume before us, on the perplexing subject of Legitimacy. In the olden time there was no difficulty about the matter; the wisdom of our ancestors being satisfied with the simple rule,—that the Husband of the woman was the Father of her children. Her virtue was unimpeachable, at least in the eye of the law:—In point of fact, she might have twenty children, by as many paramours; but the law fathered them all on the unlucky husband,—unless he had the good fortune to be impotent, or 'beyond the four seas,' during a period exceeding that of gestation. However unpleasant this might sometimes be to him, it cannot be denied that this simple rule (except as to the folly of 'the four seas,') had some considerable advantages. For society at large, both as regards the peace of families, and the quieting of inheritances, it was plainly most desirable to have some fixed rule, whereby all questions of filiation might at once be determined. Absolute proof of the fact, in any case, is nearly impossible, for it depends upon the unknown moment of conception; and therefore we must of necessity have recourse to presumptions; and of these the most natural, reasonable, and satisfactory, is that founded on Marriage; and hence the rule of the civil law, 'Pater est quem nuptiae demonstrant,' was very early adopted; and could not be impeached, except in the two cases already mentioned,—the impotence of the husband, and his absence from the realm. No rule of law was ever more strictly adhered to than this for a period of nearly five centuries; for, though attempts were made, from time to time, to break in upon it, the judges stuck to it with singular pertinacity, and resisted every effort that was made to infringe it.

In one of the earliest cases reported in the year-books, and which arose on a question of dower, an issue was asked, to try whether a woman was with child *by her husband* at the time of his death. But Chief-Judge Thorpe held, that such an issue might go to bastardize the child; and directed the issue to try generally, 'Whether she was with child on the day of her hus-

'band's decease, or not?' thus distinguishing between the question, Whether with child or not; and the question, By whom with child? In fact, in all the cases, amounting to about twenty, which occur in the year-books from the time of Edward the Third to Henry the Sixth, in which the question of legitimacy was agitated, it is laid down, over and over again, that a child born during marriage is, by the law of England, legitimate, unless his birth be impeached by the averment, either of the impotence of the husband, or his absence beyond the four seas. There is, indeed, in one or two of the cases, an occasional doubt thrown out by some of the judges; but we do not find, in any instance, that it influences the decision. Thus, on a question of right to land under a settlement, it was alleged that John, through whom the plaintiff claimed, was a bastard. This was denied, on the ground, that 'Adam, the grandfather, married Alice, the grandmother, and Joyce and John were the issue of the marriage, and that Adam and Alice continued to live as husband and wife all their lives, and died husband and wife; therefore, to allege the bastardy of John, while the legitimacy of Joyce was not questioned, could not be allowed.' Whereupon Shard, one of the judges, says, 'If we could find that Alice left her husband, and lay with the chaplain, or other person, and that John was begotten by such person, and not by Adam, we should have judged him a bastard.' However, it was held that this opinion was against law, 'the husband having lived within the kingdom;' and the judgment was in favour of John's legitimacy. 33 lib. ass. pl. 8.

In another case, upon an appeal of rape, it having been laid down by Rolfe, 'That when a woman cohabited with her adulterer, and had issue by him, the husband being within the four seas, the issue in that case would be legitimate by our law, and illegitimate by the ecclesiastical law;' this was denied by Hulp, who said, 'Such as are born and procreated in adultery are illegitimate, as well by our law, as by the law of the church, when the wife cohabits with the adulterer.' 11 Hen. IV. 13.

Notwithstanding such occasional conflict of opinion, the current of *Decisions* remained unbroken; and, so late as the time of James, it was held, 'That if a woman elopes and lives in adultery, and, during this, issue is born in adultery, yet this is *mulier* (legitimate, as distinguished from *bastardus*) by our law, the baron being within the four seas.' 14 Jac. in camera stellata.

The doctrine of legitimacy, as laid down by Bracton, Britton, and the author of Fleta, the earliest writers on English law, differs, indeed, considerably from the rule, as established by the decisions

in the year-books. According to those writers, the *presumption* was in favour of legitimacy; but the recognition of the offspring by both parents was necessary to support it; and the *possibility* of procreation was not alone held to be sufficient. To explain this, it must be remembered, that the treatises now referred to were founded, rather upon the civil and canon, than upon the written English law; and, moreover, that their authors lived at a period (Henry the Third, and beginning of Edward the First,) when the disabilities of bastards were not so rigidly insisted upon. At the time of the Conquest, according to Hale, bastards could inherit land in England; and, before the Statute of Wales, (18th Ed. I.) they could inherit land in Wales. But after their incapacities were established, the tendency of judges was stronger in favour of legitimacy; because the more a man suffered in his civil rights from being found a bastard,\* the more strictly

\* It is remarkable that, among the Germans, bastards have always been held odious; whilst among the Spaniards, Italians, and Franks, there was little or no distinction, in the early ages, between legitimacy and illegitimacy. See *Ducange in voce*, and *D'Aguesseau sur les Batards*, p. 143.

To show the popular feeling in Germany against bastards, they are, in many of the public instruments about the time of the Reformation, classed with Papists, and placed under similar disabilities, such as, that they should not give evidence on the rights of citizens; and, in a charter given by the Duke of Flanders to the people of Monickendam, there is the following clause, ‘That he would appoint a bailiff ‘among them who might be placed with honour, *and who was not a bastard*.’ This regulation is, to this day, observed in Germany with respect to offices and dignities under the Saxon local laws, which enact, ‘That no persons of illegitimate birth shall officiate in any judicial office, although legitimated afterwards by subsequent marriage, ‘or by favour of the government of the country.’ In consequence of this, strict enquiry is usually made, in the academies and schools in Germany, into the birth of a person before he is admitted to the degree of doctor, or any other high dignity; and the circumstance of a student’s legitimacy is generally noticed in the testimonial letters given by the academies. *Van Loeuen, Roman Dutch Law*, p. 35.

By the Canon Law, bastards were not eligible to any ecclesiastical dignities. There are several decretals to this effect. In one of these, Pope Alexander III. writes, ‘Consultationi tuae taliter respondemus, ‘quod neque *spurios* neque *servos* ordinare debes.’ *D'Aguesseau*, p. 137.

Minsinger, in a work of great authority, ‘*Singularium Observatio- num Imper. Camerae, Cent. 6.*’ says, in his 31st Observation, ‘Eadem ordinatio inter ceteras qualitates requisitas in assessoribus exigit,

they were disposed to construe the law which imposed upon him such disabilities. This, however, was not the only reason. Before the time of Edward the Third, the system of pleading appears to have been extremely loose and undefined, chiefly from the circumstance that the judges, or rather the ecclesiastics who exercised the judicial functions, had a decided partiality to the doctrines of the civil and canon law; and it was not until that reign, that the judges of the common law courts, being then more generally taken from among the laity, established a strict system of pleading, differing very widely from that of the ecclesiastical courts. Until this separation, we find the civil and canon law preponderating in all the courts, as well as in the law treatises of the writers of that period; whereas, throughout the decisions reported in the year-books, there appears a constant desire to distinguish the English law from the civil and canon law, and a marked jealousy of any interference from the ecclesiastical courts. Thus, we find it laid down in some of the earliest cases, that a *general* averment of bastardy, when the espousals are not denied, cannot be sustained, (21 Ed. III. pl. 30.); that a man born after espousals cannot be a bastard, unless it be by *special matter*; and that this special matter shall be tried *per pais*, and not by the certificate of the ordinary (same case); the special matter, too, was strictly confined to impotence, and being beyond the four seas, which were the only grounds admitted to sustain an averment of bastardy in the common law courts. But the ecclesiastical courts, when once they acquired a jurisdiction, as upon a case sent to them on the validity of the marriage, or administration of property, appear to have assumed a right to enquire into other matter relative to legitimacy, which the common law courts refused to entertain, for the purpose of bastardizing the issue. One example will suffice to show the struggle between the two courts, and also to explain the pertinacity of the judges, in not suffering their own rule of law to be enlarged, by adopting any of the doctrines of the civilians or canonists. In an assize brought against one Oliver, who claimed to be seised as heir of his father, it was alleged that Oliver was a bastard; for although born during marriage,

' quod ex justo matrimonio nati esse debeant, qui ad assessoriatus dignitatem velint, sicut illegitimi non admittuntur; et recte, cum sint infames; quibus portae Dignitatum non patent. Imo etiam conciliarii principis esse nequeunt. Nec doctoris titulo insigniri, quia Doctoratus est Dignitas.'

yet that ‘Alice, his mother, left her husband on a certain day, ‘and lived apart from him for seven years, during which time ‘William de K., a parson, begot this Oliver, and so he was a bas-‘tard. On the other hand, it was said that he was legitimate.’ The case was afterwards, probably upon some doubt as to the validity of the marriage, sent to the bishop to certify. The report goes on to say, ‘And the bishop, by his letters patent, cer-‘tified that he was a bastard; and on the indorsement of the brief which was sent to him was written, “quod prædicta Ali-“cia divertit se a viro suo seorsum, per 7. annos, quo tem-“pore prædictus Oliverus procreatus fuit de quodam W. K. cle-“rico, et sic omnino fuit bastardus.”’ The Court of King’s Bench, however, refused to receive this certificate; because the bishop had no right to conclude that Oliver was a bastard from the circumstances stated. The matter was twice brought before Parliament. The first time, ‘it was adjudged that it ‘should be tried by the Chancellor and the Bishop of London, ‘whether the certificate was good or not; and that the parties ‘ought to be summoned before the bishop, and have their chal-‘lenges and their proofs.’ The result of this trial does not appear; but it was finally sent by Parliament into the Common Pleas, and there determined in favour of the plaintiff. 38 lib. ass. pl. 14. In another case, which occurred in 39th Edward the Third, one of the judges lays it down, that ‘when the special matter proves ‘the tenant legitimate, we are bound to maintain the jurisdic-‘tion of the court, rather than to send it for trial to the ecclesi-‘astical court; for, when he was born during the marriage, al-‘though he was begotten by this man or that, still by our law he ‘is legitimate, and by the ecclesiastical law illegitimate;\* for we ‘are bound to determine rather by our own wise laws, than to ‘refer to the ecclesiastical court, when their laws are to the ‘contrary.’ The other judges follow in the same strain; and Thorpe, chief-justice, says, ‘Such decisions (of the ecclesiastical ‘courts) could only be for the purpose of disinheriting issue; ‘and it would be very pernicious that the Commissary should ‘disinherit any one, by office, before him, to which no one was ‘a party.’ (39 Ed. III. pl. 31.) Thus, the courts of common

\* ‘If any one claim an inheritance in the character of heir, and the other party object to him, that he cannot be heir, because he was not born in wedlock, then, indeed, the plea shall cease in the king’s court, and the bishop or archbishop shall be commanded to enquire concerning it.’ Glanville, cxiii.

law confined their jurisdiction to cases of *special* bastardy ; refusing, in all instances, to admit allegations of adultery, conduct of the parties, or any *moral* evidence which might impeach the legitimacy of issue born in wedlock ; and only receiving for that purpose evidence of impotence of the husband, or his absence beyond the four seas.

Such was the law, and such the unbroken line of decisions, for many centuries ; and it is certainly remarkable that it should have continued, for so great a length of time, to recognise a doctrine so vastly absurd as the old rule of *quatuor maria*. This, however, is the fact ; for we do not find it touched until the time of Lord Hale, who was the first that extended it, by admitting other proofs of non-access. It was his opinion, that if the jury found, by special verdict, that the husband, whether within the realm or not, had, in point of fact, no access, then the child would be a bastard. Unfortunately, we have no particulars of the case which first gave rise to this important change in the law of legitimacy ; as the dictum of Lord Hale is only cited in another case (*St George's v. St Margaret's*, 1 Salk. 123), which occurred some years afterwards. It was, however, regarded as of the greatest importance, and immediately followed by the judges ; and in a very important case, in the beginning of the 18th century, it was laid down by Lord Chief-Justice Raymond, that the old doctrine was not to take place, but that the jury were to be at liberty to consider the point of access. This was the case *Pendrell v. Pendrell*. The husband, after co-habiting with his wife for some months, went to Staffordshire, the wife remaining in London. At the end of three years the wife had a son, who rested his claim upon the presumption of law in favour of legitimacy, he being born in wedlock, and his father *within the four seas*. Strong evidence was admitted that the husband had never left his house in Staffordshire ; and so, upon the ground of non-access, the jury found the son a bastard.\*

The old rule of *quatuor maria* being now, to use the words of Mr Justice Grose, in the *King v. Luffe*,† ‘exploded, on account of its absolute nonsense, and another adopted, founded in good sense,’ we may take the doctrine to be, that issue might be bastardized, 1. By proof of the husband’s impotence ; 2. By proof of non-access, so conclusive that it was *impossible* the husband could have been the father of the child. We say *impossible*, for thus far only was the old rule extended. Even so late as the year 1807, Lord Ellenborough says, ‘If we

\* 2 Strange, 924.

† 8 East, 208.

' may resort to all impediments arising from natural causes, we ' may adopt other causes, equally conclusive, to show *absolute physical impossibility* of the husband's being the father; I will ' not say the *improbability* of his being such; for, upon the ' ground of improbability, *however strong*, I will not venture to ' proceed.' Now, this is perfectly intelligible. Satisfy the jury that the husband, being *habilis in matrimonium*, might, by possibility, have had access to his wife within the period limited by nature for gestation, and the law will presume intercourse, and declare the issue legitimate. Perhaps, on many accounts, it would have been better if the law had so continued to this day. We should then have escaped the perplexity of contradictory decisions; and we should have had for our guide a rule of law possessing the simplicity, without the foolishness, of the ancient doctrine. But this has not been permitted. In the year 1813, the House of Lords, in its wisdom, thought fit to decide the case of the Banbury Peerage upon principles widely differing from the law as laid down in former times; and this decision having opened the door to the admission of every species of evidence as connected with the conduct of the parties, has placed the law of legitimacy upon a footing entirely new. The importance of this case renders it fit that we should consider it somewhat in detail, which we are enabled to do, from the admirable report of it contained in the Appendix to the volume before us; for, strange to say, notwithstanding its vast importance, as entirely changing the law of legitimacy, no account of it had previously been published, except a meagre statement of the case, and a very imperfect note of Lord Eldon's judgment, as Chancellor, given in Cruise on Dignities, p. 292. The highest praise is therefore due to Mr Le Marchant, for the full and excellent report he has prepared from authentic sources. The judgments of Lords Eldon and Redesdale, having been revised and corrected by themselves, form a very valuable part of this interesting case.

William, Viscount Wallingford and Baron Knollys, was created Earl of Banbury, by letters patent of the 18th August, 1627, giving him precedence of the Earl of Manchester, whose patent was of an earlier date. The House of Lords having objected to this unusual exercise of prerogative, the king sent a message to them, expressing a desire, 'that the Earl, *being old and childless*, might enjoy it during his life, with an assurance that his Majesty would never more occasion the like dispute;' this satisfied the scruples of the House; and it was provided that the Earl should enjoy the precedence for his life only, and that it should not go to his heirs. This was by a resolution

of the 10th April, 1628. Lord Banbury was possessed of two estates, Caversham and Rotherfield Greys. In 1624, he covenanted, by his marriage settlement, ‘to settle Caversham to the ‘use of himself and wife in tail male, with remainder to the ‘heirs-male of the body of his father.’ An adulterous connexion was understood to subsist between Lady Banbury and Lord Vaux; and, in the year 1627, Edward, her first son, was born. In 1630, she was delivered of Nicholas, her second son. The birth-place of Edward does not appear; but Nicholas was born at Harrowden, the house of Lord Vaux, at which place *Lord and Lady Banbury were then residing*. During the lifetime of the Earl, and for long after, the children went by the name of Edward and Nicholas Vaux. In the year 1630, about the time Nicholas was born, the Earl levied a fine of Caversham, (which, if he had issue male, was settled upon his eldest son,) and conveyed the fee absolutely to Lady Banbury. By another deed he covenanted to levy a fine of Rotherfield Greys to ‘his nephew and heir-male,’ Sir Robert Knollys. At the same time he made his will, leaving his widow his residuary legatee, *without noticing any issue*. In 1632, Lord Banbury died at the age of eighty-five; and, by an inquisition held at Burford within a year after, it was found that he died at Caversham *without heirs-male of his body*, and that the two co-heiresses of his elder brother, Sir Henry Knollys, were his next heirs. *Eight years afterwards*, another inquisition was held at Abingdon, which found that the Earl died in London, and that Edward, who on his death became Earl of Banbury, was his son and heir.

Immediately after the death of Lord Banbury, Lady Banbury proved his will, and on the same day she married Lord Vaux. Her son Edward died under age. Nicholas appears to have been treated by Lord Vaux as his son, and to have kept the name of Vaux for some years. The first evidence we have of his assuming the title of Lord Banbury, is an indenture dated the 19th of October, 1646, by which Lord Vaux covenanted to levy a fine of Harrowden, to the use of himself and Lady Banbury, for their lives, with remainder ‘to the use of the Right Honourable Nicholas, now Earl of Banbury, sonne of the said Countess of Banbury, heretofore called Nicholas Vaux, or by whichever of the said names or descriptions the said Nicholas be, or hath been, called, reputed, or known.’

In the year 1660, Nicholas took his seat as a peer; and on the 13th of July in the same year, the House was moved, ‘that there being a person that now sits in the House that is not a peer, who, as is conceived, has no right to the Earldom of Banbury, it is ordered that this business shall be heard at the bar by

'council, on Monday come next se'nnight.' On the 6th of June, 1661, Nicholas presented his petition, which was referred to the Committee of Privileges. Witnesses were examined, who proved the fact of his being born in wedlock, in circumstances of undeniable access; and the Attorney-General having confessed the law clear, the committee came to the resolution 'to report 'the matter of fact—that according to the law of the land he is 'legitimate.' And it was entered on the Journals, that 'the re- 'port made to the House the 1st of July, 1661, that the opinion 'of the committee is, that Nicholas, Earl of Banbury, is a legi- 'timate person.' The House, however, seems to have been dis- satisfied with this resolution, for we find it referred back to the committee on the 10th of July. What proceedings then took place does not appear; but on the 15th July, we find the following entry upon the Journals: 'To report that the Earl of 'Banbury, in the eye of the law, is legally the son of the Earl 'of Banbury, and therefore the committee think it to be fit that 'the House should advise the King to send the Earl of Ban- 'bury a writ to come to Parliament.'

Notwithstanding this resolution of the committee, no writ was sent to Nicholas; and so strong was the feeling of the House against his legitimacy, that on the 9th of December following, a Bill was read for the first time, 'declaring Nicholas, Earl of 'Banbury, to be illegitimate.' This bill was not proceeded with, and can only be regarded as an attempt of the House to express their conviction, that he was not entitled to the rights which the strict construction of the law compelled them to grant to him. In 1669, Nicholas presented another petition, praying for his writ of summons, but no farther proceedings followed during his life. In 1685, Charles, his son, presented a petition claiming to be Earl of Banbury; but before the House came to any decision, Parliament was prorogued. In 1692, the same Charles, having murdered his brother-in-law, was indicted by the name of Charles Knollys, Esq. Thereupon he presented a petition claiming to be Earl of Banbury, and praying to be tried by his peers. The House took the claim into consideration, and resolved that he had no right to the Earldom. The Court of King's Bench, however, refused to receive this resolution, holding that it was not a legal judgment, destructive of the defendant's right, and therefore could not be used as a replication by the Attorney-General, and so quashed the indictment. In the years 1697, 1711, and 1727, Charles Knollys presented successive petitions claiming the Earldom. On all those occasions the House appear to have deliberated upon the claim, but without coming to any resolution on its merits.

Nothing can show more clearly than these proceedings the reluctance of Parliament to admit the right of Nicholas to the Earldom, against the strong moral conviction which the peers entertained of his illegitimacy. During a period of 66 years, no fewer than seven petitions had been presented. In the first instance, and the only one in which the case appears to have been fully discussed, the committee, following the rule of law, and the decisions of the courts, report the petitioner legitimate; and all the subsequent committees so far follow in the same steps, that they always report the proceedings in the first claim, and it does not appear in any instance that the subsequent committees come to a different resolution. But the House itself appears always to differ from the committee; for it never adopts their resolutions; and in one instance (December, 1692) it votes that the petitioner has no right to the Earldom, and orders that his petition should be dismissed. It was under these advantages and disadvantages, with the law of the land clearly and indisputably on his side, but with the recorded opinion of the House of Lords against him, that in the year 1806, William Knollys, the lineal descendant of Nicholas, made the eighth and last attempt to establish the legitimacy of his ancestor.

The petition having, after some delay, been referred to the Committee of Privileges, the case was discussed at considerable length, in the years 1808, 1809, 1810, and 1811, and finally decided by a resolution of the House in June, 1813, that the petitioner had NOT made out his claim. We shall shortly advert to the grounds upon which the House arrived at this decision.

After the case had been fully and elaborately argued by counsel, (Sir Samuel Romilly for the claimant, and Sir Vicary Gibbs, the Attorney-General, for the Crown,) certain questions were proposed by the House for the consideration of the Judges, with a view to ascertain whether the presumption of access might be rebutted by any, and what circumstances? The result of their opinions, as delivered by the Lord Chief Justice of the Common Pleas, was, first, That a child born in wedlock is, *prima facie*, legitimate, and the *onus probandi* is upon the party calling his legitimacy in question. Second, If the husband, not being impotent, have opportunities of access, during which a child could be begotten and born in the course of nature, the law presumes such child legitimate; but this presumption may be rebutted by circumstances, amounting to a proof that such access did not in reality take place. Third, That after proof of such access, (by which they understood proof of intercourse,) no evidence could be received, except it tended to falsify the proof that such intercourse had taken place. We may here remark, that the Judges

went a great deal too far when they said they understood access to mean *proof of intercourse*; and accordingly, in their answer to another query, they say that ‘*non-access* means the *non-existence of intercourse*,’ which is a much more correct definition. The other interpretation goes the length of requiring proof that intercourse *did actually* take place; whereas it is only necessary to show that it *might* have taken place; the law now, as formerly, presuming that it did take place, unless it can be proved, beyond all doubt, that it did not.

Of the Peers who were in favour of the claimant, no one argued with greater force and eloquence than Lord Erskine. He urged the doctrine which had hitherto stood unimpeached,—that the presumption in favour of legitimacy could only be rebutted by proving the *impossibility* of the husband being the father of the child; and that *improbability*, however strong, was not sufficient. ‘We do not,’ said the Noble Lord, ‘sit here to balance probabilities, on such a topic as this. We must not forget that the real matter in controversy is of a very peculiar nature. Suppose two horses and one mare in the same pasture-ground, to which no other horse could obtain access. The mare foals. If it were a question of property to ascertain by which horse the foal had been begotten, the party would succeed that could show the greater number of *probabilities* in its favour; the colour, the shape of the foal, and whether the mare had been with one horse more than with the other, would come into consideration. But it is not so with the human species; we stand on a higher ground. The obligation and contract of Marriage, being the source and fountain of all social ties, the law feels itself bound to give confidence to persons so connected, and rejects the imputation of a breach of contract, unless it be *proved* in either of the ways before mentioned (physical inability or non-access). The coverture creates the presumption of access, and access is synonymous with sexual intercourse, except in cases of physical inability. It is in vain to say, that the presumption of sexual intercourse ought to yield to evidence which shows the fact to be highly improbable. The fact is a necessary concomitant to the status; therefore the presumption would be incontrovertible, unless certain exceptions to it had been created by law. I take it upon me to say, that to make a child born in wedlock legitimate, *there is no necessity to prove actual intercourse*; for legitimacy is the inevitable result of *access*, save where the law has established certain exceptions. These principles are unshaken; and while they remain so, the exceptions which rest on the same grounds cannot be extended. The nature of the

‘ presumption arising from access of the husband being ascertained, it is evident that if access can be proved, the inference from it is irresistible, whatever *moral* probability may exist of the adulterer being the father; whatever suspicions may arise from the conduct of the wife, or the situation of the family, the issue must be legitimate. Such is the law of the land. Women are not shut up here as in the Eastern world; and the presumption of their virtue is inseparable from their liberty. If the presumption were once overthrown, the field would be laid open to unlimited enquiries into the privacy of domestic life; no man’s legitimacy would be secure, and the law would be necessary to the perpetration of every species of imposture and iniquity.’—Appendix, pp. 465–467.

After citing several cases in support of his view of the law, Lord Erskine then comments upon the facts of the case before the House. He contends that Lady Banbury might have kept Lord Banbury in ignorance of the birth of Nicholas, from her own conviction that he was illegitimate, but that as she cohabited with Lord Banbury at the time of the conception, she might have been mistaken in her judgment of the father to whom she assigned the child, and that it would be monstrous to allow the status of any individual to be determined by the very party who is expressly disqualified by law from giving any evidence on the subject. ‘I admit,’ says he, ‘that the presumption of access may be combated by proof of impotency; but what evidence is there of Lord Banbury having been impotent? There is no statute of limitations on the powers and faculties of man. Instances of robust longevity might be cited still more extraordinary. Sir Stephen Fox married at the age of seventy-seven, and had four children; the first child was born when the father was seventy-eight, the second and third were twins in the following year, and the fourth was born when the father was eighty-one. The Earl of Ilchester and Lord Holland can vouch for the accuracy of this statement; and I believe their genealogy has stood hitherto unquestioned.’—Appendix, p. 474. He then examines the evidence which proved the Earl to have been a robust man up to the time of his death; explains the settlement made by Lord Vaux upon Nicholas, as the natural bounty to his step-son; and contends, that the legitimacy of Nicholas being undeniable both by law and evidence, the claimant, as his descendant, ought to be admitted to the enjoyment of the privileges of the Earldom of Banbury.

The substance of the argument against the petitioner, as collected from the judgments of Lord Eldon, Lord Ellenborough, and Lord Redesdale, is as follows:—that all cases of this kind

must be governed more or less by presumptions; and legitimacy being only a presumption arising out of the fact of marriage, and not a rule of law, may be repelled by circumstances inducing a contrary presumption. Suppose a man and woman live together as husband and wife, and suppose the access, and the production and recognition of their children, be proved beyond a doubt, yet if it be proved that the man had not the capacity of generation, all the rest would go for nothing. So if you can satisfy a jury, that from any other cause, or combination of circumstances, the husband could not be the father of the child, the child must be declared a bastard, notwithstanding every presumption of *law* in favour of its legitimacy. It was admitted that where a husband and wife have had the opportunity of intercourse, a very strong presumption arises that it must have taken place; but as this might be rebutted by evidence, it is the duty of a jury to weigh that evidence against the presumption, and to decide according as either might preponderate. In the present case the question for the jury is, Whether Lord and Lady Banbury had intercourse at such time as that in the course of nature Nicholas might have been the fruit of it? It is agreed that there was no *physical* impossibility of Lord Banbury being his father, and it must therefore be determined on the ground of *moral* impossibility, and this can only be tried by looking at the conduct of the parties. The opinion of Lord Eldon as to the admissibility of this kind of evidence, is thus given:—‘ It has been argued ‘ at the bar, that mere declarations of parents on such subjects, ‘ are not admissible evidence to affect a question of legitimacy, ‘ and that *conduct* is precisely the same thing; that it is substantially nothing more than a declaration; that it is only a declaration by deed instead of by word. I will not say that all simple declarations are evidence in such a case; but I will say, that the conduct of a husband and wife, towards a person claiming to be their legitimate child, is in some cases admissible evidence upon the question whether the husband and wife had sexual intercourse, at such time as, by the course of nature, that child might have been the fruit of that intercourse. It is often a most material species of evidence. It is not always, but it is frequently, a safe ground for inference, for it comes from the least suspicious source; that is, from the very individuals who are the most interested to give a different testimony. If there ever was a case where circumstantial evidence of this description is admissible, it is this.’—Appendix, p. 491. In looking to the conduct of the parties, it is afterwards observed, nothing is so important as circumstances which show the husband’s ignorance of the birth of the child.

' Acknowledgment,' says Lord Redesdale, ' of a child by the reputed father and mother as their child, is generally the only evidence of the fact, even that the child is the child of the woman, unless evidence of the persons present at its birth can be produced; and such acknowledgment is sufficient evidence, if not rebutted by clear evidence to the contrary, which was attempted in the Douglas case. It is, therefore, of high importance to consider, in a question of legitimacy, whether the fact, of such acknowledgment as would demonstrate the legitimacy, did take place, or whether, by circumstances, such acknowledgment was rendered impossible—as by the child being a posthumous child. If, on the contrary, it appears that the supposed father was ignorant of the birth of such a child, and that the fact of its birth was concealed from him, *such concealment is strong presumptive proof, that there had existed no sexual intercourse which could have made him the father of such child.*'—Appendix, p. 447.

It was contended, that the evidence of Lord Banbury's ignorance of the birth of both the children was quite irresistible. Every thing combined to make the birth of an heir the most desirable occurrence which could happen to Lord Banbury. After his marriage-bed had been barren for a period of twenty years, a child is born. The circumstance of its birth is concealed from Lord Banbury; for if not, how can his conduct in stripping it of his title and estates be accounted for? This can only be explained by supposing him ignorant that he had a son and heir. There is no less reason to believe, that the birth of Nicholas was equally concealed; and, in addition to this, the presumption that he was the child of the adulterer is confirmed, by his having been born in the house, borne the name, and inherited the bounty, of Lord Vaux. ' General reputation of legitimacy,' says Lord Redesdale, ' would have been evidence in favour of the legitimacy of Nicholas; so, general reputation that there existed no issue of Lord Banbury, was evidence against such legitimacy; and it is to be observed, that the general reputation was, not that the children were illegitimate, but that *there were no such children*—a reputation which could have arisen but from the concealment of the fact of their birth, which concealment could only have proceeded from the fact that they were not the children of Lord Banbury. All the circumstances of the case combined to rebut the presumption in favour of legitimacy, arising from the birth of the children during their mother's marriage, and to afford decisive presumptive proof that they were not the children of Lord Banbury, but the offspring of an adulterous intercourse between Lord

‘Vaux and the Countess; the fact of that intercourse, coupled with the concealment of the birth of the children, affording the strongest presumptive evidence that there was no sexual intercourse between the Earl and Countess, the result of which could be the birth of these children.’—Appendix, pp. 444, 447.

Such are the grounds upon which the House of Lords arrived at a conclusion, contrary to every dictum of law, and to every decided case from the time of Edward the Third downwards. The solitary instance which Lord Ellenborough relies upon, (Foxcroft’s case, which occurred in the 10th of Edward the First,) was tried at the time the courts were governed by the doctrines of the civil and canon law; for, as we have already shown, it is only from the time of the year-books that we can take decisions to have been according to the English common law. Every other case which is cited as bearing upon this view of the question, will be found, upon examination, to involve such circumstances of non-access as would satisfy any jury that the husband could not, by possibility, have been the father of the child. No doubt, the old rule of *quatuor maria* was extended; but even the greatest latitude ever allowed in modern cases confined the doctrine to such proof of non-access as should, to use Lord Ellenborough’s own words in the King *v.* Luffe, ‘show the absolute physical impossibility of the husband’s being the father.’ Whereas, let the access be ever so slender, let it only amount to the barest probability of intercourse, and the law was imperative, however repugnant it might be to common sense, in holding the child to be legitimate. At the same time, while we are driven to the irresistible conclusion, that the Banbury case has, by overruling all former decisions, admitted a new principle, which has entirely altered the law of adulterine bastardy, we are very far from objecting to the change. This decision has undoubtedly placed the law of legitimacy, as far as regards the question of such bastardy, upon a more rational footing than ever; and satisfied as we are of its expediency, we are not disposed to enquire too curiously, whether a deference for the opinions of their noble predecessors—a jealousy of influence which might have been suspected from the then recent delegation of the functions of royalty—or a conviction that it was high time common-sense should be allowed some weight in matters of this nature—actuated the House of Lords in giving that judgment, of which General Knollys was unfortunately the victim.

Discharging, then, from our minds the rule of law, and the uniform current of former decisions,\* we must now look at

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\* Perhaps the strongest case which has occurred, although it is not

questions of legitimacy with a view to the other circumstances which may be admitted, in addition to the special matter of impotency and physical non-access, to decide upon the fact of paternity. In the first place, then, we conceive that even yet, it is by no means enough that a general view of the whole case leaves a moral conviction on the mind that the child is illegitimate.

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mentioned in the discussion upon the Banbury case, is that of *Smyth v. Chamberlayne*, tried in Doctor's Commons in 1792, before Sir William Wynne, a most able and learned judge. It arose upon the administration of the effects of Mr Newport, supposed to be the natural son of the Earl of Bradford. He was born while his mother was separated from her husband, Ralph Smyth, son of the Bishop of Raphoe. He was educated by Lord Bradford as his son, assumed his family name, and inherited from him a splendid fortune. He never was recognised by Mr Smyth, who appears to have known nothing about him, although there is not the same *direct* evidence of his birth having been concealed, as in the Banbury case—but then he and his wife did not live together as Lord and Lady Banbury did. Smyth having separated from his wife by deed dated May 1711, lived in London, in a lodging in Holborn, till the term of his death. Mrs Smyth, becoming the mistress of Lord Bradford, resided either at the West End of London, or at Hammersmith. On the 16th of July, 1720, Smyth confirmed the former deed of separation, and gave his wife a power to dispose of her property as if she were a *femme sole*. Seven months after the execution of this deed, *i. e.* on the 2d of February, 1721, Mrs Smyth was delivered of Mr Newport, in Martlet's Court, Covent Garden. There is no proof whatever of her cohabiting with her husband between 1711 and the birth of the child. There is some evidence of access *subsequent to the year 1727*, six years *after* the child was born, and this, in the opinion of Sir William Wynne, corroborates the presumption of access before that time. However this may be, the only thing like access before 1720, is the circumstance that they both resided in London. Upon this alone, notwithstanding non-recognition, and, to all appearance, ignorance of the father,—notwithstanding the clearest evidence that Mrs Smyth lived with Lord Bradford as his mistress,—that the child was treated by him as his own in every respect,—Sir William Wynne was of opinion, ‘That access must be presumed, in the absence of proof to the contrary; and that from the proofs in the cause; the mother of Mr Newport must be presumed to have had access to her husband at the time she became pregnant; consequently the child must be considered to be legitimate.’ See Sir William Wynne’s judgment given at great length in the Appendix to the Gardner Case, pp. 354, 371, from the MS. Notes taken at the time. This valuable report affords another instance of the diligence Mr Le Marchant has used in collecting cases hitherto unreported, which throw any light upon the Law of Legitimacy.

Questions of legitimacy stand upon perfectly different grounds from all others to which circumstantial evidence may be fitly applied ; and it is not only expedient, but absolutely necessary, to preserve order in families, and to prevent confusion in the descent of property, that some definite rule should be adopted for their decision. On this account, we object to the doctrine extracted from the judgments in the Banbury case, and laid down in the last edition of Phillipps upon Evidence, that ‘ the jury may not only take into consideration proofs tending to show the physical impossibility of the child born in wedlock being legitimate; but they may decide the question of paternity by attending to the relative situation of the parties, their habits of life, the evidence of conduct, and of declarations connected with conduct, and to every induction which reason suggests for determining upon the probabilities of the case.’—Vol. ii. p. 288, ed. 1829. This, we humbly conceive, is far too vague and indefinite, and would lead to great confusion. In a chaste country like this, we might indeed defy the doctrine ; but in other places, where adultery is one of the badges of aristocracy,—where so many families are distinguished for their miscellaneous contents—an investigation of ‘ their habits of life, evidence of conduct, and every induction which reason suggests for determining upon the probabilities of the case,’ might lead to the most awkward and embarrassing results.

Nor is there any necessity for falling into this dilemma ; we need only look to the spirit of the Banbury decision, and we shall find a rule sufficiently plain to guide us in all questions to which the doctrine of impotence and physical non-access does not apply. Why was Nicholas Knollys declared illegitimate ? Not because his mother committed adultery with Lord Vaux ; for that was never legally proved. Not because Lord and Lady Banbury lived apart ; for there were not even the slightest grounds for presuming non-access. Not because of Lord Banbury’s age or infirmities ; for we find that he was a hale, hearty man, who hawked, hunted, and slept with his lady up to the day of his death—but because the birth of the child was concealed from him, under circumstances which could leave no doubt upon the mind of any man, that the adultery of Lady Banbury was the cause of such concealment, and leading, therefore, to the irresistible conclusion, that the child was the offspring of such adultery. Combine all the other circumstances of the case, and they are insufficient to rebut the presumption of legitimacy. If the proof of adultery alone had been ever so strong—if it had even been coupled with the strongest presumptions of non-access—still, if Lord Banbury had acknowledged the child, if he had admitted

the paternity by treating it as his son, it would have been an outrage upon all law and reason, to permit issue born under such circumstances to be bastardized. It is the *concealment* which we would take as the test of illegitimacy; and in our opinion it is unnecessary to say, ‘concealment coupled with proof of ‘adultery,’ because we think concealment, *to which the mother is a party*, includes proof that the child is the offspring of an adulterous intercourse. For that a mother should, for any other reasons, conceal the birth of her child, appears so improbable, so utterly repugnant to all feelings of nature, and especially of woman’s nature, that we may safely reject such a presumption as impossible. We must be careful, however, to distinguish between *concealment* and *non-recognition*. It is by no means improbable, that the husband, from jealousy or suspicion of his wife’s infidelity, might be induced to repudiate, or refuse to recognise and acknowledge the child as his own. The fear of having a spurious offspring palmed upon him, might make him act as if he believed he had no issue at all; and therefore proof of adultery and non-recognition are not alone sufficient to rebut the presumption of legitimacy, provided there has been a *possibility* of access. It must be proved that the birth of the child has been *concealed* from the husband; that it has been born and treated under circumstances which clearly show that he was in total ignorance of its existence; and if this be done to the satisfaction of a jury, we conceive that they will be justified in presuming that there has been no sexual intercourse between the husband and wife, the result of which could be the birth of that child. This appears to us to be a rule which may be safely applied to all those questions of paternity which cannot be determined by proof of impotence, or physical non-access; and it seems to us to combine as much precision as can be expected, when we admit the principle of receiving moral evidence. It accords, too, with the justice of the case; for a child born and reared under the circumstances we have supposed, is brought up to no expectations—he does not look upon himself as the representative of his mother’s husband, nor as the heir to his titles or estates; he is deprived of no inheritance, for the property of the family is enjoyed by the acknowledged heir. While, on the other hand, the greatest injustice is done in destroying the title of those who, perhaps for a long series of years, have been in undisturbed possession; and by suffering the invasion of one who has always believed himself to be ‘lord of his presence and no land beside,’—who, at best, is reconciled to his obscurity and deprivations by having known no better state.

The Gardner case, the report of which occupies the greater part of the volume before us, was decided on principles which perfectly agree with the doctrines we have stated, although there were other circumstances which entered largely into the discussion. This case has been extremely well edited by Mr Le Marchant, who has avoided the book-making principle, so much adopted by modern reporters, of printing *every thing*. He has compressed the evidence into seven pages, with the exception of the medical part, which, from the novelty of the subject, he has inserted at greater length. But the most judicious arrangement, is that which he has adopted with respect to the speeches of counsel. Instead of giving them verbatim, he has combined into two arguments the speeches for and against the petitioner; in a third, the substance of the speech of the Attorney-General, which indeed might well have been given as an argument for the petitioner, notwithstanding the great credit that learned person takes to himself for his extreme impartiality. (P. 278.) This method, provided it be done with judgment such as Mr Le Marchant has displayed, we strongly recommend to all persons who have a tendency to construct large volumes by the aid of Mr Gurney's short-hand notes, more especially as regards speeches of counsel, which are usually long and full of repetitions. Prefixed to the Report, is an able Disquisition upon the Law of Adulterine Bastardy; and the Appendix contains a collection of very interesting cases, none of which are reported elsewhere, connected with the law of legitimacy. The circumstances of the Gardner case are shortly these:

In the year 1796, Captain Gardner (who afterwards became Lord Gardner) married Miss Adderley; they lived together as man and wife, until the 30th of January, 1802, on which day Mrs Gardner took leave of him on board ship, and shortly afterwards he sailed to the West Indies; from whence he returned to England on the 11th of July following. For some time before, and also during the whole time of Captain Gardner's absence, Mrs Gardner carried on an adulterous intercourse. Upon Captain Gardner's return to England, he found his wife with child; and she, hoping to be delivered within the proper time, made no secret of her pregnancy. When, however, she ascertained the child could not be brought into the world in time to be Captain Gardner's, she declared that another must be its father, and that she would then tell the family she had a dropsy. Her medical attendants appear to have connived at this; for not only Captain Gardner, but the whole of his family, considered her as labouring under that complaint. On the 8th of December, Mrs Gardner was delivered in secret, in the presence

of three persons only. The child was immediately conveyed to a lodging in Swallow Street, and was afterwards christened by the name of the paramour, who brought it up, and in all respects treated it as his son. The birth of this child was carefully and successfully concealed from Captain Gardner, who did not even discover his wife's adultery till the year 1803. He subsequently obtained a divorce, and married again. He succeeded to the title in 1808, and died in 1815, leaving a son by his second marriage, who, in the year 1824, presented his petition to the King, praying to be entered on the Parliament Roll as a minor peer. This was opposed by the young man, who claimed to be eldest son of Lord Gardner. The petitions were referred to the Committee of Privileges, who decided in favour of the former petitioner, and against the claim. This decision was founded upon the circumstances of concealment and adultery, and also upon the impossibility of his being the child of Lord Gardner, from the length of time (311 days) which elapsed between the last opportunity of access between his mother and her husband, and the period of his birth.

We have no hesitation in saying, that after the Banbury Case, the concealment, and other circumstances which attended the birth of this child, were ample grounds for declaring him illegitimate. And we are rather surprised that the House of Lords should have permitted so long a discussion upon the subject of protracted gestation; an enquiry which they appear to have encouraged for the gratification of their own curiosity upon an interesting question of Physiology, rather than to assist them in determining the legitimacy of the claimant: for Lord Eldon, who was then Chancellor, in giving his judgment, says, ‘It is not by ‘any means his intention to do more than express his conviction ‘that the petitioner has made out his claim—that there are a ‘great many more questions which arise in a case of this nature; ‘almost the whole of which were considered in the Banbury ‘peerage; but without entering into a detail of these questions, ‘and without entering into a discussion as to the *ultimum tempus pat-riendi*, he is perfectly satisfied, upon the whole evidence, that ‘the case has been made out.’ p. 335. It might no doubt be expedient, *ex abundanti cautela*, to dwell upon the circumstance of protracted gestation; but there was enough without it. The birth of the child was sedulously concealed from the husband. He was called by the name of the adulterer, who reared him, educated him, and finally provided for him; having, moreover, married Mrs Gardner the instant the divorce was obtained. Surely if the Banbury Case be law, there is enough here to bas-

tardize the child without resorting to the obstetric evidence which forms so large a portion of this case. And after all, what does it amount to? a number of the most eminent midwives in London are brought to the bar of the House of Lords, to swear that 40 weeks or 280 days, is the usual length of time a woman goes with child; and speaking from their own experience, that this is the *ultimum tempus pariendo mulieribus constitutum*. Now this is all very true in a general way; and we are perfectly satisfied, with all the rest of the world, that nine months is the usual time of gestation. But can any medical man assert, that it is absolutely and invariably *limited* to nine months? Upon what can they found such an opinion? The moment of conception can never be known to them, but from hearsay; and the whole thing is involved in the greatest possible uncertainty, because there is no way of fixing accurately the time from which the gestation is to be reckoned.

A technical discussion of this subject would involve us too much in medical details; but if any of our readers have the curiosity to pursue it, we refer them to the Evidence of the Physicians given at length in M. Le Marchant's book, particularly to the statements of Dr Clarke, (a witness called to prove forty weeks the *ultimum tempus*,) pp. 20—27; from which they will perceive, that there *may* be an error of a whole month in the calculation. If the only point in the Gardner case had been, that the claimant was not the son of Lord Gardner, because it was *impossible* his mother could have gone forty-three weeks with him, the House of Lords never would have declared him illegitimate. It was the adultery of his mother, and the *concealment of his birth from the husband*, which justified the House in holding that he could not have been the result of the intercourse which took place on board ship between Captain Gardner and his wife on the 30th of January preceding his birth; and when Lord Eldon said he should give his opinion, ‘without entering into the question of the *ultimum tempus*,’ it is perfectly clear he did so for the purpose of guarding against the decision being ever taken as a precedent, that a gestation protracted three weeks beyond the usual time, should be a ground for bastardizing the child.

We cannot close this article without noticing a case which has been frequently discussed before the present Lord Chancellor, and upon which no less than three issues have been tried. It affords a striking instance of the necessity of having some distinct rule, which may be applied to the decision of questions of adulterine bastardy. This case, of *Morris v. Davis*, which we are enabled to state from the short-hand writer's notes of the evidence and other proceedings, arose out of the following cir-

cumstances: In the year 1778, Mr Morris, a surgeon in Shrewsbury, married Miss Gwynne, and by their marriage settlement, his estates in Montgomeryshire were settled to the issue of the first and other sons of the marriage in tail, remainder to Mr Morris. In July 1781, Mrs Morris was delivered of a daughter, who subsequently became the wife of Mr Davis, and a defendant in the cause. Some time afterwards, Mrs Morris showed such a decided predilection for a servant who lived in the family, of the name of William Austin, that Mr Morris determined upon a separation; and accordingly, by an indenture dated May 1788, he conveyed to a trustee certain estates upon trust for the separate maintenance of Mrs Morris. Soon after this, he gave up his profession, and retired to his estate at Argoed, where he lived in great seclusion until his death. Immediately upon the separation, Mrs Morris settled at Llansair, where she lived in undisguised adultery with William Austin.

In 1793, Mrs Morris was delivered of a son, who was immediately carried by Austin to Wem, a village at which his father, a weaver in very low circumstances, lived. An entry of the child's baptism was made in the parish register of Wem: '11th January, 1793, Evan Williams, a base-born child, was baptized.' Austin's father and mother kept the child, and brought him up under the name of Austin, treating him as the child of their son, by whom the expenses of his nurture and education were borne.

The interest of Mrs Morris about this time obtained for Austin a commission, and soon after a company, in the 90th regiment of foot; and, in 1804, he went with his regiment to the West Indies, having first presented Mrs Morris with his portrait, which was proved to bear a striking resemblance to the child. He died at St Vincent's in 1807, having by his will bequeathed the whole of his property to Evan Williams, who received the amount from his executors.

We now return to Mr Morris. In 1792 and 1793, Mr Morris resided at Argoed, about fifteen miles from Llansair. The birth of the child had been carefully concealed from him; and, up to the period of his death, he believed that he had no other child but his daughter Mrs Davis. Upon reports being circulated that Mrs Morris had been delivered of a son, he went over to Llansair and had an interview with her; and upon charging her with the fact, she positively denied it, adding, 'she wished the devil might take her off the earth, if she ever had any child but her daughter Harriot.' All the subsequent acts of Mr Morris, show that he was satisfied of the truth of this assertion. His daughter having married against his consent, he made a will, bequeathing all his property to his nephew; but being afterwards

reconciled to Mrs Davis, he made another will in favour of her and her children. In neither of these, does he take any notice of a son. In 1807, three years before his death, he was party to an agreement under an enclosure act, and his daughter is therein styled, ‘his only child and heir apparent.’ This agreement related to property settled on his male issue, so that his daughter would have been improperly a party to it, if he had had a son. He died in 1810, and his funeral was attended by his daughter and other relatives, but not by the son of Mrs Morris. Upon the death of her father, Mrs Davis took possession of his estates.

The child of Mrs Morris went, in his infancy, by the name of Austin. When a boy at school, he was called Williams; but, in 1811, after Mr Morris’s death, he assumed the name and claimed the estates of Mr Morris, and endeavoured to establish his legitimacy by the following circumstances of access.

Upon the trial of the first issue at the Spring assizes, in 1827, at Shrewsbury, it was proved that Mr Morris occasionally went over from Argoed to Llanfair; that he sometimes visited Mrs Morris, and that they had undoubtedly opportunities of sexual intercourse. One witness, Mary Evans, went so far as to say, that they met at the house of a Mrs Lloyd, at Garth Lloyd, *in the spring of 1792*, and passed the night there: and upon this the jury found a verdict for the plaintiff. But the evidence of this witness was so unsatisfactory, that the Lord Chancellor, in July 1827, ordered a new trial, and particularly desired that the attention of the Jury might be directed to this part of the case. Upon the second trial, at the Shrewsbury Summer assizes, 1827, the jury gave no credit to the testimony of Mary Evans; but two other witnesses, Arthur and Willings, were examined, who had not been called upon the first trial, from whose evidence it appeared, that in the year 1792, (although it is not stated in what part of that year,) Mr and Mrs Morris dined together at the house of Mr Morris’s brother; and upon another occasion in the same year, Mr Morris came over to Llanfair, and dined and slept in Mrs Morris’s house; this evidence of access did not, however, satisfy the jury; and the verdict was now for the defendants.

On the 14th of June, 1828, the Lord Chancellor ordered a third trial, saying, ‘I have consulted the learned Judge who tried ‘the cause (Mr Baron Vaughan); he tells me, that if he had ‘been upon the jury, he should have found a different verdict. ‘The Judge is not satisfied with the verdict; and considering ‘that there was additional evidence on the last trial, and that ‘the evidence on the first trial was at variance with it, I do not

' think that I could fairly and properly come to a decision of the cause at present.'

The third trial took place at the Gloucester Summer assizes, 1828, before Mr Justice Gaselee. Neither Mary Evans, Arthur, nor Willings, were examined—nor did the plaintiff give any additional evidence. The judge, in summing up his charge to the jury, made the following remarks : ' The Banbury Peerage is now the law. There is proof that the husband was in the wife's neighbourhood,—and this is *prima facie* evidence of intercourse ; but it is competent in the defendants to rebut the presumption thus raised, by any thing that amounts to satisfactory evidence that no intercourse took place. The question then will be, first, Whether you are satisfied there was that access between the husband and wife, that sexual intercourse *might* take place ? Second, Whether the evidence satisfies you, that no such intercourse did take place ? If it might take place, the law presumes it did, unless the contrary is proved. Many witnesses proved opportunities. If you are satisfied there were opportunities, the law says, the child is the child of the husband.'\* Notwithstanding this decisive leaning of the judge in favour of the legitimacy, the jury were unable to come to a decision ; and after being shut up till they could fast no longer, were discharged without giving any verdict. And there the case rests for the present.

While a cause is *adhuc sub judice*, it may seem improper to offer any observations upon the decision which it ought to receive. But in the frequent discussions which this case of Morris *v.* Davis has undergone, the Lord Chancellor has so plainly expressed the various opinions which have suggested themselves to his mind, that we feel justified in looking at them, not as they may bear upon the ultimate decision of that case, but as showing the state of perplexity in which the learned Judge finds himself, from not having a definite rule to assist him in forming his judgment. After stating that the law presumes intercourse, unless the contrary be proved, he observes, that evidence may be admitted to rebut that presumption, provided such evidence be clear and satisfactory ; and as to evidence of the conduct of parties, he says, ' Undoubtedly, evidence as to the conduct of the parties may be most important. Whether it is always sufficient to rebut the presumption of law, is a proposition that cannot

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\* This is perfectly consistent with the arguments used by Mr Justice Gaselee, as the advocate of General Knollys, in the Banbury Peerage ; but how shall we reconcile it with the *decision* in that case ?

be stated; and in the case of the Banbury Peerage, the evidence arising from the conduct of the parties forms the principal ground and basis of the judgment of the Court, or I should rather say of the House of Lords. Under such circumstances, (*i. e.* the evidence of access,) the law will presume sexual intercourse to have taken place. The time was referable to the proper period for the formation of the infant in question; and such is the case, as far as the meetings at Llanfair are proved on the part of the plaintiff. The answer on the part of the defendants, to the presumption that sexual intercourse took place on this occasion, is, however, extremely strong in point of presumption the other way. They were separated by a deed of separation. They lived at a distance of 15 miles from each other, and they only occasionally saw each other. It is supposed that sexual intercourse took place in the spring of 1792, at the house of Mrs Morris. If it did take place in the spring of 1792, it is most extraordinary that it did not put an end to that separation. It was suggested by the counsel on the part of the plaintiff, that sexual intercourse took place from time to time; but it is remarkable, that their conduct was to live apart, and that they continued to do so after the spring of 1792.' He then states the evidence of the concealment of the birth, the adultery of Mrs Morris, and the conduct of Mr Morris, and of William Austin; and concludes, 'all the circumstances tend to show, that this was not the child of Mr Morris, but in reality the child of William Austin. It will be material and important to carry in one's mind, when we are considering, whether sexual intercourse took place in the occasional visits which Mr Morris paid to Mrs Morris, that those visits were followed up by no return of Mrs Morris to the house of her husband. We have to consider, whether the inference arising from these visits, and the presumption of law, are not sufficiently repelled by the circumstances to which I have adverted. *I cannot assign even any plausible motive for the concealment of the birth of the child,* and for the other circumstances to which I have alluded, if sexual intercourse did really take place between these parties.' Immediately after this he says; 'If it were established to my entire satisfaction, that in the spring of the year 1792, Mr Morris had gone over to Garth Lloyd, and slept with Mrs Morris, it appears to me, that the inference to be drawn from such a circumstance, of sexual intercourse having actually taken place, would be irresistible; and that, strong as the other facts of the case are, and strong they most unquestionably are, they would not be sufficient to repel the presumption of law.' And, again, 'If you prove actual intercourse, there is an end of the question.'

‘ If they actually slept together at Mrs Lloyd’s, the presumption is, that sexual intercourse took place ; because, though that does not always take place under the ordinary circumstances of a man and his wife sleeping together, yet, after they have been separated for some time, the presumption is, that it would take place.’

Throughout the whole of the observations made by the Lord Chancellor, it is really curious to watch the conflict produced in his mind, between the conviction that the child is a bastard, and the feeling that the presumption of sexual intercourse binds him to declare that he is legitimate. ‘ *Prima facie*,’ says he, ‘ there is evidence of sexual intercourse ; but how do you explain the concealment of the birth of the child ? I want you to explain to me upon some probable grounds, why that concealment of the birth took place. Why should the child be concealed, if sexual intercourse took place between them ? The husband and wife are brought together ; that is evidence of sexual intercourse. It is a question to be left to the jury, whether such intercourse did take place or not, and it must be a very strong case to rebut the *prima facie* presumption. But, here is a child born, and as soon as ever it is born, the birth is concealed, and carefully concealed. Is not that strong evidence to show, that the husband and wife did not approach each other, so as to have sexual intercourse ? If they had sexual intercourse, the husband must be conscious of it ; and if the child was lawfully begotten, would the mother strip him of the benefits he was entitled to as the child of Mr Morris ? It appears in evidence that she was fond of the child. Why, if she was fond of the child, and conscious that sexual intercourse had taken place between her and her husband, is she to conceal the birth of it, and strip it of those benefits to which it was rightfully entitled, if it was legitimate ? ’ Now, all this is exceedingly sensible, and quite agrees with the spirit in which the Banbury Peerage was determined ; and if that case is to be followed as law, there can be no doubt that the concealment, coupled with the other circumstances which attended the birth and treatment of Mrs Morris’s child, are abundantly sufficient to establish his illegitimacy, *notwithstanding the unquestionable evidence of access*. But what does the Lord Chancellor tell us immediately after the foregoing extract ? Why, ‘ that although the evidence is strong indeed that he was Austin’s son, yet, if you show that sexual intercourse took place between the husband and wife, or if you show that they were together by themselves, when sexual intercourse *might* have taken place, though you may be morally satisfied that it was Austin’s son, yet you must make him the son of the husband ! ’

It is clear from this, that the learned Judge imagines himself fettered by the old rule of *possible* access; and that, however repugnant to his reason, he is compelled to decide in favour of the legitimacy. We feel sure, that the following observations, as connected with the Banbury case, ought to have more weight than any thing we can offer, in convincing that learned Judge, that he needs no longer feel himself bound by the old doctrine. ‘It (the ‘Banbury case) was not a case of physical impossibility, for there ‘was no evidence of the husband’s impotency, and *he was living with his wife during the whole time of gestation, at the time of conception, and at the time of delivery.* The course of evidence pursued by the House of Lords, was to introduce a variety of facts arising out of the conduct of the different parties, to confirm the *improbability* of Lord Banbury having been the father of Nicholas Vaux, his supposed son. It was argued by Lord Erskine, that as the parties were living together during the whole time of gestation, it must of necessity follow as a rule of law, that the claimant was the offspring of Lord Banbury. This doctrine was opposed, and with sound reason, upon the ground, that you were not bound to decide upon the physical impossibility, but to take all the circumstances of the case into consideration; and *notwithstanding the parties living together*,—notwithstanding there was no evidence of physical impossibility of begetting children on the part of Lord Banbury, you would be bound to come to the conclusion that the child was illegitimate. That case is the same in principle as the present; and that case is an authority to establish the principle for which I am now labouring, that a case of physical impossibility need not be established, but that you are in this, *as in all similar cases*, to take the whole body of the evidence together, and say what is the result of it.’ (Gardner Case, p. 283.) Such is the statement of his Lordship when Attorney-general, at the bar of the House of Lords; and though only the argument of counsel, it certainly gives the sound view of the subject.

We take this opportunity of noticing a subject, not indeed immediately connected with questions of legitimacy, but because it was used, and we take leave to say, most improperly used, as an argument against General Knollys’ claim, and also because notice was given last session by Lord Redesdale, of his intention to introduce a bill into parliament respecting it. We allude to the lapse of time, in claims to Peerages. It is the opinion of that learned lord, that a limitation of time is as applicable to a question of peerage, as to a claim of any other description. Is it necessary, in answer to this, to state the self-evident proposition,

that questions of peerage stand upon a totally different footing from any other description of right? In all cases of property which depend upon legal conveyances and titles, statutes of limitation have been wisely enacted, upon the principle, that every man is presumed to enjoy what is his own; and that whoever has, for a great length of time, neglected to clothe his rights with possession, may be presumed either never to have had such rights, or to have released them for a valuable consideration; and also, that it is unjust to disturb those who have been for a series of years in undisputed possession. But in cases of peerage, there can be neither alienation nor surrender; and although there may be omission to claim the right, that omission can never have the effect of transferring the title to another. The successful claimant, therefore, entails upon no one the cost or inconvenience of defending a vested interest,—he drives no one from his possessions,—he interferes with no one in the exercise of a right, save inasmuch as, by establishing an older peerage, he acquires precedence over the representative of a more recent one; and it is this trifling consideration, that would urge the Legislature to preclude the heir of an ancient title from claiming the honours derived from his ancestors; thus assuming the power of extinguishing a right, which the Crown itself is unable to destroy. Should that proposal be ever revived, of fettering the claim to a barony, by the limitations which bar a civil action, we trust the attempt will fail; for we really think the Peers would best act up to their high vocation, by encouraging the revival of those venerable emblems of our aristocracy, and not by patronising technical devices to extinguish them.\*

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\* The barony of Bottetourt was allowed, after it had been 379 years in abeyance; Willoughby de Broke, after 173 years; Berners, after 188 years; Mowbray, after 164 years; Fitzwarren, after 112; the barony of L'Isle, after having been in females 43 years, fell into abeyance in 1424, and was claimed last year by Sir John Shelley Sidney, after an abeyance of 400 years. See the proceedings in this case before the Committee of Privileges, published by Mr Nicolas, 8vo, Lond. 1829. p. 106. The Appendix contains several very curious cases of Peerage claims, extremely well worth the attention of those who are interested in such subjects.

- ART. IX.—1. *Ireland : Its Evils and their Remedies, &c. &c.* By MICHAEL THOMAS SADLER. 8vo. 1829.
2. *The Christian Duty of granting the Claims of the Roman Catholics. With a Postscript, in Answer to the Letters of the Rev. G. S. Faber.* By THOMAS ARNOLD, D.D. Head Master of Rugby School, and late Fellow of Oriel College, Oxford. 1829.
3. *Protestantism the Pole Star of England ; a Brief but Comprehensive View of the Political History of England since the Reformation ; wherein the Prosperity of the Country is shown to have been identified with the Support of the Protestant Religion.* Copied chiefly from the Preface to a Work on the Prophecies, lately published by the Rev. George Croly. Beverly. 1829.

THE tumultuous joy with which the sudden announcement of peace to Ireland was welcomed by the friends of civil and religious freedom, has gradually subsided to deep and solemn thankfulness for the purest political pleasure that this generation can live to witness. That nodding and impending danger, which, like the mysterious helmet in the Castle of Otranto, was enlarging every hour before our eyes, is at length swallowed up. The thunder-cloud, whose pressure took away our breath, is gone. The earth seems once more firm under our feet; and that future, which we durst not look upon, is rising bright and glorious—and on its forehead is the morning star ! The whole aspect and character of the remainder of one's life are changed by it. Instead of feeling that our home and country were becoming a precarious leasehold, whose term we ourselves even might have the wretchedness of surviving, we shall now bow our heads to the *nunc dimittis*, come when it may, in confidence that we are leaving to our children the imperial inheritance of a united kingdom, secured, as far as human probabilities may approach security, by all the elements of an enduring greatness.

This question has stood of late years like a Michael Angelo in a gallery, blinding us to every thing else. Now that it is at last disposed of, we shall be enabled to return to other human objects, and to look at them in other than merely Protestant or Papist bearings. The present measure is wisely and simply framed. The best way to disarm your enemy, is to disarm his mind. You want no security against him when, by doing him justice, you have made him your devoted friend. A hundred little technical contrivances, however apparently ingenious and successful, would have reduced the real security in an infinitely greater proportion, by manifesting the jealousy

of distrust, and keeping up so many occasions of possible division. They might have entangled posterity ; and, at present, would only have afforded the great Master of Delay, who is as powerless in discussing principles, as he is unrivalled in the harassing warfare of detail, a splendid opportunity of crowning a consistent life, by seeking to intercept this national blessing by endless permutations and combinations of obstinate chicane.

The two Wings, whose dovelike office it is to waft home this messenger of peace, are as favourable conditions as could be well proposed (if conditions we must have) for terms of reciprocal concession. The Catholic Association had accomplished the object of its existence. From the instant that its power and spirit had passed into the constitution, nothing but a sort of corpse was left, for either their own vote or that of Parliament to consign to an honourable grave. Our patrician policy had made its two great leaders the real Tribunes of the Irish people for the time : and their faults have been the faults of that anomalous and stormy office. Ireland has not so many periods of brightness in her story, or so many candidates for her gratitude, that their names can ever be forgotten, in a country whose first patriot was Grattan, and where, it may now be hoped, that Lord Anglesey will be her last martyr. For the Association itself, it will need no other epitaph than the “*Circumspice*” of a nation it has freed.

The other part of the compromise, the Disfranchisement of the forty-shilling freeholders, is in appearance more ungracious ; since, however substantially valuable, it has, just at the present moment, too much the air of a punishment for their Roman virtue. But when once the feeling (for it is matter of feeling only) is got over, and the first disappointment is softened by kind and judicious explanation, the alteration will be found, in itself, a solid and lasting good. The virtue the peasantry have lately displayed is the heroic excitement of a crisis, when the heart swells over its banks, and sweeps away all ordinary considerations before it. But as soon as things had returned to their natural channel, the peasant would have found himself the serf of heretofore,—without adequate means or motive of resistance ; and must have again been crushed between the old alternative, of ruinous collision, or perjured and degrading bondage. To relieve him from such a peril, is to prepare the way towards enfranchising him with a truer freehold—Freedom of mind and character, that by which man is emphatically Man. The statistics of Ireland, which must lay the next stone in the foundation of moral improvement, will gain greatly by the removal of an electioneering ambition, which few landlords have had the forbearance to withstand. Independent votes are what we want. A wise

legislature ought to stop wherever it can fix this standard, nor descend a shilling lower. Every age must take care of itself; and we must give those that come after us credit for re-opening the poll-book, and letting in a new class of freeholders, as soon as one is formed which can exercise the right usefully to itself and to the public. The late system had, in common times, all the mischief of universal suffrage, and all the baseness of a rotten borough. As many, however, as thought this disfranchisement unjust and injurious if taken by itself, but yet believed it indispensable to the success of the great measure with which it was combined, were equally bound to support it on the plainest principles of moral prudence. To taunt such compromises with the name of trimming, and to cant, with half a line out of a copy-book about ‘not doing evil that good may come,’ is to forget what all are doing every day they live. If a man is to fold his arms till a proposition of unmixed good is presented for his acceptance, he may take his stand with the farmer’s boy, who waited till the river should run out. All restraint is, for instance, evil: But the lawgiver and the judge pass their lives in violating this goodly maxim. We presume there is no moral sense, or rule of Scripture, by which we can guide ourselves in respect either of the odd shilling more or less in the elective franchise, or concerning what is a proper, and what an improper, modification of the national adjustment of 1688. Individual rights can seldom clash so much with the general interest, as to counterbalance the great principle that demands the inviolability of property: and it is still more seldom that society has not the means of making individual compensation. But it is otherwise in the case of great portions of a community: For their only compensation must arise from the increased prosperity of the whole. These rights, too, being political, are impressed with a stronger trust, and are held by the express tenure of public service. To hold them inviolable, would bar us from altering the quantity, as well as quality, of the new blood, whose infusion the constitution might require; and we could as little add as take away. A remonstrance against extending the elective franchise to copyholders, upon the ground that such an innovation was a disturbance of the vested right that the freeholder had in his monopoly, would be only this same moon in another quarter. It is clear that, when the general objects and the particular objects of an institution clash, the latter must give way.

Just in the degree that we trembled at the crisis, from which we are now escaping, may be estimated our sense of gratitude to him, who, having ‘lurched all swords of the garland,’ has achieved this great civic victory of Justice, Mercy, and Peace. Whilst

the clergy seem groping about us in the dark in all directions, we feel pretty much as we suppose Ulysses did, when he was eluding the clutches of the bewildered Polyphemus, (who at best had but one eye, and that now extinguished,) under the guidance of the Leader of the flock. The Duke has broken in upon their magic forest—the Mona defended with such Druidical fury ; and notwithstanding the mist and the mutterings, the unholy words and spectral forms, arrayed against his entrance, he has pressed resolutely on to free this spell-bound subject, and break the enchanter's wand. Colonel Napier learned in Spain how the Tenth Legion came to worship Cæsar ; and a greater than Cæsar is here—one who has not destroyed in peace the country he had saved by his sword. Untrammelled and uncommitted, not more protected by his splendid expatriations, than averse by nature from the paltering which had gangrened this vital question through its whole domestic bearings, he has amply repaid the universal respect, with which all eyes so anxiously watched him whilst yet wrapped in his impenetrable cloak. Although he came new to a question encompassed by contention and complicated by finesse, he saw that his choice upon it was indeed the choice in what class of statesmen he should hereafter stand. Having carried off the plate in military glory, he has refused, in his new career, to put himself into cart-horse harness—to leave the company of the Turennes and Marlboroughs of the Cabinet, and herd in the rear-rank of our secondary civilians, among the Poloniuses and Osries of the Court of Denmark.

The question certainly is not new to Mr Peel ; his present merit respecting it stands therefore on entirely distinct grounds, and yet is great. The reputation that he acquired whilst serving under his former colours, and his actual declaration that he has left them with reluctance, have enabled him to confer at last an important benefit on his country, by assisting to heal the wounds he had so long kept open. A confession so announced, must satisfy all who can be satisfied, that it has become, in any view of it, the least of two evils. We gladly pay him high interest for the aid which he is now giving to overthrow an Opposition, which he himself had mainly raised, consolidated, and upheld. In such a case, when the last able layman who could be found to advocate the obsolete prejudices of a powerful party, is bowled out by the strong conviction of necessity, he must be prepared to undergo the obloquy of the mob of followers who had made him the representative of their opinions, and had put, as politicians, their whole moral and intellectual existence into his hands. But this privilege of scandal, within certain limits excusable enough, has been abused in a manner disgraceful to the Tory press, and to

the party whom he provided with sense and speeches much longer than they deserved. The imps whom he conjured up and fed as companions and attendants, whilst he continued the practice of the ‘black art,’ are now flying at him because he has burnt his pernicious books, and resolved to trust to the despised faculty of human reason. Like Actæon, his own Hounds are ready to devour him—and for the same offence—opening his eyes. Nothing can show more forcibly that Mr Peel’s understanding has got at length into its right place, than the different figure he is making this Session and the last; when, though none of the Tory pecking at him had begun, and whilst the Whigs were extending to him a most generous forbearance, a feather seemed dropping off almost every night. Allowing for the disproportionate consequence he attaches to the turn of the scale in a Parliamentary division, over the weightier matters of the question, he has shown at the last equal judgment, ability, and temper. Not only has Mr Peel dealt usefully by the public, in undertaking the official superintendence of the present measures; amidst great personal difficulties, we feel convinced he has also chosen that which, being the most fair and manly, ought to be the least painful and least unsatisfactory for himself. The choice could be to him only one of evils. He was in the old British dilemma—the sea before him, the barbarians behind. Mr. Peel is well aware that it is not the year 1829 which he has to explain and justify. It is not when private opinions and public conduct are coincident, that a man has any thing to repent of, or the country any reason to complain. Could Mr Canning have answered to his wish, ‘Were our honoured Banquo here?’ that princely and forgiving eye would have beamed with even unusual brightness in welcoming the new convert to his cause. He might have shrunk at the recital of the inward change of 1825,—at the thought of the eventful interval, and the continued resistance; above all, he must have felt the difficulty of reconciling with these communications, so long and so mysteriously concealed, the disqualification publicly pronounced on him in 1827, by reason of opinions, which, it now appears, were held at that very time, by at least one of his protesting and seceding colleagues. But sincerity is valuable, however late. The man who never changes his mind, must be about as great a fool as the man who is always changing it; and if there be an occasion when such an intellectual process ought to meet with indulgence, it is when you perhaps save a kingdom by submitting to it. ‘*Sape ego  
‘audivi apud milites cum primum esse virum qui ipse consulat quid  
‘in rem sit: secundum eum, qui bene’ monenti obediat: qui nec ipse  
‘consulere, nec alteri parcere sciat, eum extremi ingenii esse.*’

This latter class, that cannot lead and will not follow, disdain-

ing the *gratorum certè nobis animorum gloriam*, has presented us with nothing in the shape of argument but a battery of bitter and boundless personalities. Having hallooed their champion up to the hill top, that he might curse the tents of Israel, they have heard in desperation the words that the Spirit of Truth has put into his mouth, blessing them altogether. The great malignant sophism, by which they pander to ignorance and passion, lies chiefly in the abuse of a single word, (and this, too, patronised by members of conversion and missionary societies,) by which a change of opinions, and Apostacy, are assumed to be the same. The blindfold consistency, on which all authority, experience, and warning, are thrown away, is nothing but a second-hand infallibility, made out of a worse-grained wood than any papal chair. ‘Old as I am, I put myself to school,’ was once esteemed a merit. The *censor morum* of antiquity learned Greek at eighty ; and a love of liberty is to the full as honourable a preparation for the grave. In those great debates, by which the Petition of Rights is surrounded as with a glory, old Sir Edward Coke stood out, (and also at seventy-nine,) careless of the inconsistency between his youth and his age ; and thus joined in making the professional learning of that day so dear to the friends of freedom.

This setting up a Minister as a Shrovetide cock for half a Session, is perhaps a necessary substitute for the exhausted state of reasonable mind and matter which their cause affords. They are as little scrupulous in calling names as in assuming them. The mask only is changed, the object remains the same ; it is sought to extort to-day by violence, what has hitherto been pocketed by fraud. It is long since this party could venture to march through Coventry with the name of any of their natural leaders inscribed on their banners. They have consequently recruited for perorations to their harangues, and for followers to their processions, by one of the most unconscientious appropriations of titles and relationship to which they have no pretence, that ever was ventured upon by the unscrupulousness of faction. As *Orangemen*, they affect the countenance of the House of Orange ; that house which, in the monarchy of the Netherlands, is now manifesting the same steady friendship to universal toleration, that was justly regarded as its proudest distinction, whilst head of the Republic of Holland. As *Brunswickers*, they assume the right of imposing their own corporation bigotries upon an illustrious family, in contradiction to that liberty of conscience which is now the common law of Germany, and in contradiction to the domestic example, of equality before the law, which the King of Hanover has so lately set to his relation, the King of England. The cheers of the *Pitt Clubs*, under circumstances of denial so recent and so notorious, at a toast which has driven those most near-

ly connected with the person and principles of that great Minister from these celebrations of his memory, well entitle the festival to the description of ‘the great annual Imposture,’ by which we usually hear it called. Considering that these frauds have been perpetrated for the purposes of political trade, an injunction might almost be moved in the Court of Chancery against them. It is difficult to say in what Jesuit annals there can be found a more glaring abuse of words, than that by which Protestant zeal has endeavoured to press into its service the patronage of the two men, who, in all our history, would most have scorned the degradation of such alliance.

Nursed in that country, whose greatest glory was, that it placed freedom of conscience above all other freedom, and that it gave the earliest example of what security, prosperity, and happiness attend on toleration, William brought to England a most earnest wish to realise the apprehensions of the bigots, by making it ‘an ‘Amsterdam of all religions.’ No fact belonging to that most inglorious, but most blessed Revolution, is better known to all who know any thing of the matter, and more studiously concealed by those who call loudest on his name when they are most violating his principles, than that he had no sympathy with the planter-like insolence of oppression ; that, volunteering on no exclusions, he yielded in this, as in other instances, to the cruel exigencies of his position ; and that he would have held the title of our ‘Great Deliverer’ much truer and much dearer, if no description of his subjects had been led captive at his triumph. Notwithstanding the authoritative disclaimer which Mr Latouche so lately read the Orangemen, from Bishop Burnet, these societies, as long as they crawl, will doubtless re-hang their spider-web upon the statue of our Hero, and seek to borrow some credit from a character whose services and virtues would go far towards sanctifying any error.

In respect of the Pitt Clubs, the scandal is only greater as the facts are more flagrant. In the history of a man whose natural and official life were almost one, what event can be so remarkable as that he should have chosen to abdicate the government, abandon his beseeching sovereign, and leave Lord Sidmouth to try conclusions with Bonaparte, rather than appear wanting in a conviction of the importance of *this* cause ? They are bad husbands of his honour, who pass over this striking epoch : They are garblers of the memoirs of that necessary evil—the Irish Union—who do not wind up its story by doing justice to the manliness that refused to be a party in defrauding the expectations under which that Union had been obtained ; the fulfilment of which expectations could alone turn it into that fusion of national interests and feelings, which the safety of both countries demanded, and

which he intended it to be. His great political achievement has been thus corrupted into a monster, half slave, half free—a centaur, not a man: And thus has Ireland been, for upwards of a century, what Scotland would have been, had our statesmen also legislated, at the creation of the kingdom of Great Britain, upon the more plausible supposition that Presbyterians are ill-disposed towards monarchy, and therefore ineligible to office under a monarchical constitution. Mr Pitt, whom they worshipped for party objects with so much mouth-honour, has been treated, in respect to these transactions, only one degree less treacherously than the Irish themselves. The single act of ‘wild justice’ perpetrated on him, has been the publication of his admirable Letter to George III., which Lord Kenyon, in a headlong zeal to avail himself of royal prejudices, has, with a judgment so well worthy of the cause, lately printed. As for the Pitt Clubs themselves, it is clear, beyond all dispute, that Mr Pitt would not dine at his own dinner.

The late appeals to the populace have been accompanied with language, for which, if it has failed in its only intelligible meaning, we yet owe no thanks to those who calculated upon gunpowder, when they shook their torch. The preparations for some time have shown, that reason had long ago gathered whatever was within reach, and that all further hope lay in shaking the tree. Strength of argument had been long dispensed with, and we stood on the intermediate point most favourable to strength of lungs. Dr Philpotts had made way for Lord Winchilsea: The study-chair for Penenden Heath—the Runnymede of intolerance—where, within hearing of the Canterbury clergy, Archbishop Langton was lectured on his lukewarmness to freedom. The mere mention of the word Popery, it was known, had been sufficient, any time these hundred years, to deprive a considerable portion of Englishmen of the perfect use of their understanding. Hence the craftiness of that favourite fallacy which brands with the epithet *Pro-popery*, men whose Protestantism and patriotism are known to be equally intense; and who are earnest, in the precise proportion of those feelings, to relieve their religion from the disgrace of such gratuitous injustice, and their country from the danger of a policy so perniciously insane. Polemical irrelevances, whether foolish only, or malignant, yet equally injurious, have accordingly been scandalously abused in the mystifications professionally prepared for the delusion of the lower orders. The chief mistake which the friends of civil and religious freedom have all along committed, consists in their having despised these practices too much to be at the pains for circulating appropriate antidotes to such vulgar poisons. So far from being taken by sur-

prise, whilst half of England is sick in longing for this measure, too many of our excellent countrymen have had time to raise the price of Lincolnshire sheepskins, and expose themselves egregiously. We make no complaint of those who so loudly appealed from Parliament to the People. We receive gladly any precedent of deference to popular opinion. Go through the form of asking for it often, and it will become more and more worth having. A village in the said county, with which we are well acquainted, was so earnest in availing itself of the opportunity of exercising this right, that, upon the Duke of St Albans very properly requiring of the clergyman that they should have a petition in favour, as well as against, the Catholics submitted to their choice, we are told that every man in the parish most impartially signed *both!*

Of late, there has been no attempt at reasoning, beyond an appeal to the test of numbers. Death must be daily turning even this, against the side that has no recruits. The sere and yellow leaf is replaced by the vigorous promise of a forward spring. The young shoots refuse to put out buds of rotten wood. Now, as our religion is an historical religion, so is this in part an historical question. It also requires knowledge of the theory and practice of the Roman Catholic religion, in its natural state, in other countries at the present age. It would be as well, if those who are to decide, could form some conjecture of what the proposed alteration amounts to, and what is the possible danger to which it can open a door. Nor would they be the less competent, if they had correct opinions on the kind of risk to which the happiness of individuals and the safety of the commonwealth are exposed, by a continued refusal to do justice. The people are justified in watching jealously the class above them, wherever they see it employed in legislating or deciding in favour of interests of its own. But there is no reason for overruling the credit due to its superior opportunities and superior intelligence, when there is no separate interest to mislead it, and where the only possible consideration is the common safety of the state. Notwithstanding the confidence with which numbers have been arrayed, and the admitted probability that the popular prejudices are not yet numerically subdued, yet the comparative indifference with which the common people regard the subject, may be presumed from the unsparing abuse of every species of delusion with which the country has been deluged and disgraced. Nobody does work of this kind by preference, and for nothing. Could truth have served the purpose of this modern opposition, surely they would have spoken truth. It is amusing to see a sudden reverence for petitions and for universal suffrage, beyond what Major Cart-

wright ever dreamed of, now sprung up among the Tory aristocracy; whilst their management of a machinery so new to them, sweeping in the charity girl, the lunatic, and the felon, might be considered by the suspicious as evidence of an ulterior conspiracy to bring the right of petitioning into contempt. A Florilegium of these placards and handbills will be a strange contradiction for posterity to reconcile with the opposite proofs of our contemporary knowledge and refinement. We are not disposed to flatter the present age by any worthless compliments on its discretion or its virtues. But a spirit of more comprehensive charity, improving upon the ancient petty modifications of self-love, is its noblest characteristic. Dryden's beautiful supposition, that man was created with an extended space of arms 'to satisfy a large embrace,' seems getting truer every day. But this is Philosophy's best and dearest work. Accordingly, all the great movements in advance have everywhere been fought up by intelligent minorities. This is the very picture of society in progress—as at the Reformation, the Revolution, and on this very question. There have been certain subjects wherein nobody, for a long time, ever dreamt of consulting humanity or justice. A Catholic was as much born to be excluded, as a negro to be sold. A few surviving representatives of an age, whose morals and politics were full of chasms, may be still found regular at church or chapel, whilst persecuting, up to the maximum the times will bear, those whom the law allows them to call heretics. Their complacency is of the same character with that which enabled Cowper's Newton to write 'that he never had sweeter communion with God than—on his last voyage to Guinea!' A spirit of perfect toleration is among the most brilliant innovations of very recent days. It is the dethroning of the last Aristotle of every Sorbonne. Whilst we take boundless pleasure in this triumph, we allow, on behalf of its veteran antagonists, their title to the whole benefit of Harvey's declaration, that he had found no physician turned of forty, who would admit the circulation of the blood.

It is to the credit of the lay-talent of this country, that, beset as this courtier superstition has been with temptations, yet its fortune has been long decided by a constellation of every distinguished name among our statesmen. There is not missing a star of any magnitude. It is singular, when no country exists in Europe, where the authority of great names is so strong a supplement to reason (indeed, it might be said, is so often stronger than reason, where they happen to be opposed) as England, that in a case where reason and authority cover each other in an entire coincidence, means were found for so many years of

evading the grasp of their conclusions. Our Premier, thus supported, need give himself little trouble about the obsolete and impenitent ultras, who reproach their own Bishops for indifference to Episcopacy; and whose hulls, moulderling on the strand, will soon serve only to measure the distance at which they are left by the current of the times. The survivors of the baffled minority on the abolition of the Slave trade—those practical statesmen, who nailed their colours to the mast of the last Guinea-ship—may be allowed to sun their harmless imbecility in the brightness of a similar exhibition, and to celebrate, with one cheer more, their favourite virtue of consistency, whether right or wrong. When the misguided villagers have had a respite, and have recovered from the saturnalia of inflammatory politics, at whose dramshop they have been drenched, they will see into what company they have fallen; and may judge of the real tendency of all this intolerance, by the rank and file with which it musters. This is only one leaf out of a dark volume, whose Turkish text opposes emancipation from any oppressive error. They will recognise in the advocates for Religious exclusions from civil rights, the consistent supporters of Corn Laws, Sugar Laws, Game Laws; men to whom every subject is equally dear, if it is but a monopoly and a wrong. Who can doubt but that these persons, if they had embarrassed 1688 by their presence, would have deprecated its proceedings, have quoted 1648, have shaken the head of the Martyr King before them, and have been the same thorns in the side of Lord Somers, as at present they are in the Duke's? In the great national recovery which we are suffering, we have vouched every thing that a nation can rely upon, in the way of security for being right. Could we trust this party, and ruin an empire to please them, they have nothing to offer us either as indemnity or excuse.

A portion of the foam which the present storm has scattered on every wind, comes from a school with which we shall certainly never enter into controversy, till we meet together on the plains of Armageddon. Men that can see in the Apocalypse the present state of Europe, and who tell a British statesman to burn his Burke, and adopt the Book of Revelations for a political manual, are carrying on madness upon too sublime a scale for our interference. We were brought up in the humble creed of looking at the Prophecies chiefly in connexion, not with the future, but the past; where a cautious divinity, looking backwards, might shadow out marks of anticipation and of promise, and lead on our faith by proofs of divine foreknowledge, to an apparent accomplishment of the Divine will. But to use them as *this year's almanac*—to put the Millennium backwards and forwards, ac-

cording as the facts of the last twelvemonth have falsified the predictions of the last edition—to jeopardize the state rather than tolerate a policy which might spoil a favourite criticism on some ambiguous text, or might intercept the vision that is floating for the week over the valley of Albury, is to turn the Apocalyptic eagle into the cuckoo of the spring. Propositions more absurd were never made by Cromwell's chaplains or by the Puritan ministers, of whom Clarendon gives so picturesque a sketch, coming out from the godly town of Gloucester. The Fifth-monarchy men could do no worse than pour out the vials on our heads, and throw us on the horns of the Beast, in this great national dilemma. So much is said and written about the Beast, that though superstition is cheated out of its fagot, it seems resolved to indemnify itself by a sort of Smithfield language still. There is little to choose between the fanaticism which would fire a kingdom, and that which fires a church. In the event of our modern commentators clearing up all difficulties by a civil war, it would be but moderate consolation, that Mr Macneil had dipped his sword in the prophetical portion of the Scriptures; whereas '*Old Mortality*' preferred engraving the historical texts upon his blade. Of all 'lights which lead astray,' none can be so mischievous as that which is imagined to be '*a light from Heaven.*' We should be startled at our blindness and presumption were there brought before us at one moment of view all the pages of our Bible, (given us for far other purposes,) which have been perverted, at different ages and on different subjects, into authorities for human folly and human crime. Religious feeling can answer for the heart only, but not the head. The regicides would not otherwise have prayed so heartily for a sign to '*marshal them the way they should go,*' and yet have prayed in vain. Were virtue a protection against error in the use of so dangerous an instrument, posterity might safely see in the Memoirs of Mrs Hutchinson an encouragement, and not a warning. For her gallant husband, when he saw that '*many who had preached the people into it, had apostatized, set himself to a more diligent study of the Scriptures, whereby he attained confirmation in many principles he had before.*' It is scarcely credible that a nation, with 80 millions of heathens for its subjects, should be threatened with God's judgments upon those that unite themselves with idolaters, by a simple admission of fellow Christians to equal political rights; especially when the precedent chosen for this bold distribution of the divine displeasure, is that policy of brotherly love, which has already secured religious peace and civil concord to nearly the whole of Europe. Whichever of the hundred notions of Anti-

christ may happen to be true, Ireland must equally be saved. If religious enthusiasts once changed the politics of their age, it was when they formed in line with the friends of freedom. Let them turn against us now, and they shall find that we have an enthusiasm as ardent and invincible as their own.

The perturbation thus raised by shifting a question of politics into one of polemics, has not only broken the peace\* of the reli-

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\* From the first discussion of this great question, the Bishop of Norwich has supported a cause as truly that of Protestantism as of state policy; and the present Bishop of Rochester has succeeded to the liberal opinions as well as to the honours of Dr King, the friend of Burke. It is to be hoped that these, with the more recent examples of churchmen most distinguished for their piety, and that of the great leader of the Scottish Church, Dr Chalmers, will bring back to their moorings many of those whom the late tempest had driven half-seas over. The Roman Catholic interpretation of the Transubstantiation Text seems to us rightly described as a mistake of criticism, turning 'Rhetoric into Logic.' But it is indeed surprising that Mr Faber should think it a suitable recreation for the present season, to labour a demonstration, that because the ceremony of the host would be idolatry in us, according to our interpretation, we therefore must act towards it as idolatry in them, with theirs. This is the very point which intolerance long dashed at with most impetuous objections; and which Jeremy Taylor ought to have put down for ever by the following triumphant answer. Observe, moreover, if Deuteronomy is to fix the offence, it also should award the punishment, and such prophet is to be slain. The extract is not too long, if they, who have been misled by the fallacy, will commune on it, and take it to their hearts and be still. (Works, vol. viii. p. 223.) 'But here we must deliberate—for it is concerning the lives of men; and yet a little deliberation may suffice. For idolatry is a forsaking the true God, and giving divine worship to a creature or to an idol, that is, to an imaginary god, who hath no foundation in essence or existence; and is that kind of superstition which by divines is called the superstition of an undue object. Now it is evident that the object of their adoration (that which is represented to them in their minds, their thoughts, and purposes, and by which God principally, if not solely, takes estimate of human actions) in the blessed sacrament, is the only true and eternal God hypostatically joined with his holy humanity, which humanity they believe actually present under the veil of the sacramental signs: And if they thought him not present, they are so far from worshipping the bread in this case, that themselves profess it to be idolatry to do so; which is a demonstration that their soul hath nothing in it that is idolatrical. If their confidence and fanciful opinion have engaged them upon so great mistake, (as without doubt they have,) yet the will hath nothing in it but what is a great enemy to idolatry: "Et

gious world, but also the more profound repose of the Church of England. A thing, upon which no two men ought to differ, is mixed up with one on which no two men can be expected precisely to agree. The issue is artfully changed from that which Paley (in what we can hardly bring ourselves to call its more liberal days) taught the University of Cambridge was the only justifiable ground of any political exclusions—the supposed union of certain political with certain religious tenets—to enquiries, involving more comparative theology than many a candidate for holy orders takes with him to his ordaining bishop. In reference to the principle on which it has been sought to justify exclusions, they who insist in going at length into the respective merits of the two religions, not only enter upon a field of interminable debate, but are abandoning, in the nineteenth century, the distinc-

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“nihil ardet in inferno nisi propria voluntas.” And although they have done violence to all philosophy and the reason of man, and undone and cancelled the principles of two or three sciences, to bring in this article; yet they have a divine revelation, whose literal and grammatical sense, if that sense were intended, would warrant them to do violence to all the sciences in the circle. And indeed that transubstantiation is openly and violently against natural reason, is no argument to make them disbelieve it, who believe the mystery of the Trinity in all those niceties of explication which are in the school, (and which now-a-days pass for the doctrine of the church,) with as much violence to the principles of natural and supernatural philosophy, as can be imagined to be in the point of transubstantiation.

‘ But for the article itself; we all say that Christ is there present some way or other extraordinary: and it will not be amiss to worship him at that time, when he gives himself to us in so mysterious a manner, and with so great advantages, especially since the whole office is a consociation of divers actions of religion and worship. Now, in all opinions of those men who think it an act of religion to communicate and to offer, a divine worship is given to Christ, and is transmitted to him by mediation of that action and that sacrament; and it is no more in the Church of Rome, but that they differ and mistake infinitely in the manner of his presence: which error is wholly seated in the understanding, and does not communicate with the will. For all agree that the divinity and the humanity of the Son of God are the ultimate and adequate object of divine adoration, and that it is incomunicable to any creature whatsoever; and before they venture to pass an act of adoration, they believe the bread to be annihilated, or turned into his substance, who may lawfully be worshipped: And they who have these thoughts are as much enemies of idolatry, as they that understand better how to avoid that inconvenience which is supposed to be the crime, which they formally hate, and we materially avoid.’

tion which the truest friends of our Protestant reputation have always insisted was her rule, in days when direct penalties on faith were more in fashion. Volumes have been written to establish, that Elizabeth's measures were aimed solely at the politics, and in no respect at the creed, of Rome. In reference to the object to be attained, it is now too late to renew, in any shape, the politico-religious sophisms by which Papists, Puritans, and even Quakers, have been tormented, together and in succession; not, forsooth, on the ground of their religion, but because their religion was dangerous to the state! The Church of England will hardly mend the matter much by its secular assurances, that it does not now ask for the penal exclusion of a Catholic dissenter, in restraint of his doctrine, or in aid of his salvation, but as a defensive bulwark to the loaves and fishes. The real danger to the Church is, from its placing itself athwart the path that leads to public peace. The vehemence and astuteness with which every ecclesiastical possibility is battled, and the unnecessary infusion of so much of the spirit of unrectified theology among proper and plain political considerations, must needs darken this terrible catastrophe, should it ever come; and certainly will accelerate the causes that alone can bring it on. The real securities for any institution are the harmony of its principles with the character of the age, and the respect which its members draw to it, by personal feelings towards themselves. In proportion to the affectionate connexion by which every English gentleman must be bound to many of its order, (and none more devotedly than ourselves, by ties both of blood and friendship,) must have been the regret with which they witnessed the hawker and pedlar activity of the late clerical crusade against the liberty of their fellow citizens, and the tranquillity of the state. If successful, Peter the Hermit's would not have been so disastrous. Meanwhile, it bears little outward token of that candour in nature, and profound charity in conscience, which were held, in the character of Falkland, as being so excellent a temper for the propagation of Christianity. We hardly know whether the chief performers are entitled to the apology, that divinity seems to be, above all others, that study which makes those who involve themselves the farthest in its technical windings, pay for every inch of knowledge, by losing at least as much in charity.

The actual Church of England has great merit in many respects. But history certainly does not tax its liberal reader with any such burden of gratitude for past political favours ather hands, as to entitle her present interposition to any strong presumptions in its behalf. When we see its divines clustering together, al-

most in a hardened unanimity, whilst all enlightened lay opinion is broken up and siding off in the opposite direction, we cannot but recall the impracticableness and the absence of due national sympathy and discretion which they have so frequently shown. The moderate Selden was thus provoked to propose, as a preliminary to a chance of peace, that they should ‘chain up the clergy on both sides.’ It was the same painful experience which wrung from Clarendon, whose notions on church government satisfied even Charles I., and who has left us a delightful testimony of his intimacy with all that was distinguished among the ecclesiastics of his age, that melancholy averment: ‘Clergymen ‘understand the least, and take the worst measure of human ‘affairs, of all mankind that can write and read.’ Burnet would tell us, on his Episcopal knowledge and authority, what the 1688, of which we now hear so much, really owed them. ‘They are ‘the most remiss of any in Europe;’ and again, ‘They are, for ‘the greatest part, the worst-natured, the fiercest, indiscretest, ‘and most persecuting sort that are in the nation.’ Ever since the Reformation, they have generally withdrawn themselves from a free and comprehensive contemplation of public questions, and have been found trying every great domestic measure in a small monastic spirit, and with a narrow reference to themselves. A Convocation, at the present day, would stand just as much in need, as in the most Popish times, of an inhibition against their attempting aught therein to the prejudice of the King, his crown and dignity. The truth is, that no ‘measure of human affairs’ was ever worse taken than their recent conduct; which first assumed that their interest is distinct from that of the community; and next, that they are safer amidst disturbances thus provoked, than under the quiet protection and favour of the law. In such a case, ecclesiastical property always has been and must be the most exposed. We never felt clearer of any fact, than that the Church has more immediately at stake, in the present settlement, than any lay interest whatever. But were it unfortunately otherwise, and were we driven to choose between what is principal and what is accessory, between the loss of all and the loss of part, we would still say, ‘Save out of the fire what you ‘can.’ The admonition of Jeremy Taylor, the more than Fenelon of the Church of England, is very applicable, *mutatis mutandis*, to those who will have it that the parish was made for the church, and not the church for the parish,—“*Augur cum esset Cato, dicere ausus est, optimis auspiciis ea geri, quæ pro rei- publicæ salute gererentur; quæ contra rempublicam fererentur, contra auspicia ferri.*” Religion is to meliorate the condition of a people, not to do it disadvantage; and, therefore, those doc-

'trines that inconvenience the public are no parts of good religion. "Ut respublica salva sit," is a necessary consideration in the permission of prophesyings; for according to the true, solid, and prudent ends of the republic, so is the doctrine to be permitted or restrained, and the men that preach it, according as they are good subjects and right commonwealth's men. For religion is a thing superinduced to temporal government, and the church is an addition of a capacity to a commonwealth, and therefore is in no sense to disserve the necessity and just interests of that, to which it is superadded for its advantage and conservation.' If they will not believe the greatest among themselves in thus marshalling the degree of their comparative importance, they will hardly accept from Selden the suggestion, that their ordinary circumstances and interests do not provide them with the appropriate knowledge which is indispensable in dealing with so practical a subject as the possible political necessities of any given year. 'The parson of the Tower (a good, discreet man) told Dr Moseley, who was sent to me and the rest of the gentlemen committed, 3d Charles I., that he found no such words as *parliament, habeas corpus, return, tower, &c.* neither in the Fathers nor the schoolmen, nor in the text, and therefore for his part he believed he understood nothing of the business! A satire upon all those clergymen that meddle with matters they do not understand.' They are bound to especial caution, considering the unfortunate influence such exhibitions may exercise over their proper jurisdiction. When parishioners, instead of the night of Popery gathering round them, find year after year only a more profound peace and concord; when the drover, returning home from Smithfield, protests that he left there, instead of pens of Protestants to be burned, only pens of cattle to be sold; when the only martyrdom they can hear of in the country, is that of their own association against Guy Faux, which the Bill leaves untouched, out of a kind consideration for Protestant children; what may they not be brought to think of the intemperance of error into which their pastor would have led them? Their respect for his motives must borrow a little from their respect for his understanding. Some bad reasoners, who are behind hand with their tithes, will be concluding, that a man so wrong respecting this world may be mistaken about the next; and their rustic faith may possibly be carried away by unjust inferences, of *fit sacrificulus et Pagum decipit*, in more ways than one.

The late total want of all novelty, either in substance or in expression, we admit is no fault of the disputants. This is a town which has been taken by storm so often, that not one brick is left upon another. The mere abstract principle of intolerance,

or the instinct that shrinks from any change, lest it may loosen some of the secret fastenings by which a monopoly is held together, can only serve, in the present day, for the underground and invisible foundations. But before we hand this question over to the shelves of pure theology, we will take a parting notice of the mode in which some of the most prominent topics have been brandished.

The repeal of the Test and Corporation Acts restored Protestant Dissenters to the evenhandedness of the common law. From that hour, the general principle of equality became again recognised, as politic, constitutional, and just. In addition, therefore, to the proof, which the opponents of equal rights between members of the same community were always bound to give, (but never gave,) that a necessity existed for putting any religious parenthesis, or exception, into our definition of civil liberty, they were then subjected to the further obligation of showing, why Roman Catholics in particular should not stand in the same condition with other Dissenters from our national Church. As we do not hold, with Cobbett, the superior excellence of this religion, we cannot understand the alarm—of which, if we were Roman Catholics, we should be so proud—that anticipates from the removal of a few penalties the success of their faith. The contrary extreme of vituperation with which it has been assailed, we understand as little. When the passions have ceased to blow a hurricane, men will duly estimate the force of arguments that prove too much. An error of this kind, in moral and political calculations, is as fatal to their possible correctness as any similar mistake that an accountant should discover in a sum of figures. Aware that the ordinary distinction which every Protestant believes to exist between his own form of Christianity and that professed by the Roman Catholics is not sufficient for the purpose of exclusion, the line of demarcation has been darkened by exaggerations of the worst description. These imputations can be good for any thing, only if true; and they can be true, only if the inferences which necessarily flow from them are confirmed by facts. But so far is this from being the case, that the inferences are contradicted by the experience of centuries, in our political relations with Roman Catholic governments, and by our intercourse, morning, noon, and night, with individuals of that persuasion.

Libels against human nature, from Calvinistic pulpits, we are all well aware, are no indictable offence; nor libels against Christianity, apparently, unless as far as Christianity is part and parcel of the Law. Otherwise, we have shrunk with disgust and terror from the unsparing comprehensiveness of these ferocious

denunciations against the Church of Rome—of a nature to disqualify it, not only for the duties of civil office, but for the common purposes that every religion ought to serve. Language of this description is as Athanasian as any thing the Vatican ever thundered in the darkest times. Books formerly were written to prove the truth of Christianity, as well by the progress it had made, as by the share it had taken in the general improvement of society ; whilst, according to the statistics of modern controversy, the members of this communion must not only be deducted as bad debts, when we are reckoning the strength of Christendom, but a credit against Christianity must be allowed to the sceptics on their account. Whilst their ordination is recognised as conferring holy orders, they themselves are made out to be far worse than nothing. This is indeed thinning the fold of our Great Shepherd, and half emptying heaven ; a pouring of doubts into the minds of calm observers, who are compelled to ask themselves, whether the general arguments in favour of Christianity can afford to run the gauntlet of the hundred inferences which break out over all the surface of such a statement. Why will polemics burn the beams of our common Temple to roast their eggs by, now that they can no longer roast each other ?

In consequence of the abhorrence with which this obnoxious faith is regarded, a part of the religious world hangs to these disqualifications for their proselyting efficacy, as a gentle blister, *pro salute animæ*, by which the medicines of the new Reformation may be assisted. In the first place, these mitigated penalties so levied, differ only in degree from the fagot ; they are a branch bank to the Inquisition ; they are the humanity man-traps, which have succeeded to spring guns. Surely there are inducements enough in the present day, from the rewards and promises which surround the avenues to the Church of England, to ensure the entrance of all within its pale that honestly can come there, (and we should desire no others,) without our being driven to have recourse to an atom of deprivation, derived from the more odious table of the penal law. The truth is, that, by a mere reduction of the intensity of the furnace, without extinguishing it altogether, we have got the disadvantages of two extremes, without the advantages of either. Extermination has been recommended ; and would have answered the purpose, if complete, just as play-wrights kill off, towards the end of a tragedy, the characters whom they find a difficulty in disposing of. When the brains are out, a man will die ; but nations, in that condition, are often particularly troublesome. Conciliation, like mercy, would have been indeed twice blessed—blessing both the giver and receiver ; and might have done as much for the Protestant Church, as for the

Catholic Freeholder. As it is, our relaxations have been specifically adapted to strengthen every thing Catholic in Ireland—numbers—means—intelligence—all, except her confidence in our justice or affection.

Directly in reference to the encouragement of Protestantism, our whole system is wrong, by at least two centuries. Europe has passed the period when religion could be propagated—ay, or kept alive in it—by force. It would be a contradiction to imagine that measures, which it is our boast are alien to its spirit, and opposed to the mode pursued on the first establishment of general Christianity, should be any thing but prejudicial to the interests of our own peculiar modification of it. They canonize a whole people with the crown of apparent martyrdom. They destroy those feelings which form the soil, if not the root, for probable conversions. An Irish peasant, at the present day, would answer the new Reformation missions, as the Indian Chieftains did the Spanish priest who recruited for converts in the rear of the army of Pizarro. That silent reformation (the most valuable of all, because the most ennobling and characteristic) which Paley so naturally anticipated from the ascendancy of truth, has been beat down, in common with other honourable principles, by an ascendancy of a very different school. Nor have our theologians been content with the alienation unavoidably produced by this hostility of demeanour. As often as a ray of light was seen to be breaking through, and an approximation to Protestant opinion taking place, the fiend of controversy has delighted to creep forward ; and, combining some passages in Bellarmine with the pretensions to unchangeableness, has rejected all such favourable advances, without the signature of an apology, and the surrender of their sword. ‘There is no change, there can be no change, there shall be no change !’ It has made our blood run cold, to see the recklessness with which the winning of souls, and the union of hearts, have been thus sacrificed for the sake of a polemical syllogism, or a profitable sneer. Nothing is changed so reluctantly as a name ; but to imagine that behind the same name there is always found the same idea, is to take the cover for the dish. Whatever the Roman Catholics may pretend about unchangeableness, the spiritual and political character of their religion has necessarily varied from age to age. It cannot resist the principle of assimilation which connects it with the state of civilisation, and the nature of the institutions under which it is professed. Is there any man living, who believes that the Roman Catholic religion is at this moment the same thing in Paris and in Madrid ; at Rome and at Vienna ; in Switzerland and in South America ? If in Ireland

it appears occasionally to have contracted a coarseness and almost republican acrimony of spirit, the source is in its civil degradation. Received within the British constitution, it will immediately become itself constitutional.

In respect of the popular accusation against every Roman Catholic—that he is a sort of dragon, inflamed by a thirst for civil power—we cannot enough admire its coolness. As a preliminary proof of moderation, our monopolists insist that he should deliver in a slavish or philosophical renunciation, in their favour, of that portion of the British constitution which, were he not a Roman Catholic, it is admitted he would be entitled to enjoy. It seems expected that he should walk round the tree which his ancestors planted for their posterity, and should protest that the grapes are sour, although he knows his title to them to be unexceptionable, and believes them to be within his reach. Were he base enough to condescend to this hypocrisy, there would be a greater air of plausibility in the *opposite* charge, that, as Roman Catholics, they are of a nature too servile to hold office under a free government. This last imputation may be left for the present to balance the account with the simultaneous scandal so loudly manifested at their legal efforts for the recovery of their rights.\* Meanwhile, its insincerity is sufficiently ludicrous, considering the character of those persons by whom it has been bruited forth—unless monopolies are so very dear to them, that they would wish to keep even that of hating liberty to themselves.

The Roman Catholics complain that they are excluded from their proper share in the trust and service of their common country; that their blood, their money, their allegiance are required, but that, however, worthy they approve themselves,

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\* In a season when charges made against Popery were not very impartially scrutinized, and when the particular appearances in English history gave a current popularity to such a notion, Lord Molesworth put it down by a reference to the *Gazetteer of Europe*. ‘ It hath been a great mistake amongst us, that the Popish religion is the only one of all the Christian sects proper to introduce and establish slavery in a nation, insomuch that Popery and slavery have been thought inseparable. I shall make bold to say, that other religions have succeeded as effectually in this design as ever Popery did. For in Denmark, as well as other Protestant countries in the north, through the entire dependence of the clergy upon the prince; through their principles and doctrine, which are those of unlimited obedience; through the authority they have with the common people, &c., slavery seems to be more absolutely established than it is in France.’ (*The Account of Denmark.*)

they are deprived of the capacity of rising out of the civil ranks. They do not ask either power or honours, but a mere conditional eligibility to either, when otherwise deserving ; stipulating, in the meanwhile, that they shall not be branded at home with the mark of disloyalty and scorn, and that the common crier shall not be sent round Europe with notice that Ireland is not to be trusted ; that, like the Ergastula of ancient Rome, she is crowded with an enslaved and rebellious population, panting for the earthquake that may burst open their prison door. Niebuhr has traced a painful analogy between the distinctions of race that disturbed Rome formerly, and Ireland at present. Bacon has further exemplified the principle of nature, which insists on the legal allowance of a right, though afterwards we may waive its actual exercise, by the fact, that the plebeians, when they had carried the recognition of a plebeian Consul, let sixty years pass over without enforcing a single nomination. The refusal of a debtor to pay a debt which he has long owed, on the pretext that he suspects his creditor of the intention of instituting one time or other a false demand, would be a novelty in the casuistry of injustice : Whilst the charge of obstinacy, brought by the odd juryman against the eleven whom he could not convince, seems a feeble copy of the insolence by which the attempt on the part of the Roman Catholics to replace themselves on a level with their fellow-citizens, is worked up into an imaginary usurpation of civil power. The crime which the Irish have been of late years committing, is not a new one—it is that of the *meri Hibernici* of our early connexion. It consists merely in seeking the full privileges of the English law, and admission within the porch of the English constitution. For the peace of Ireland, George IV. has been required only to complete what was begun by James I. There had better be no history, than that it should be perverted to the fraudulent pretence of finding there any peculiar appetite for undue power in a Roman Catholic, more than in a Presbyterian or a Church-of-England man. Our own adjustment of these proportions, as settled from a survey of our domestic annals, would certainly incline the other way. But, without entering on a comparative criticism of the secular ambition of the Liturgy, the Confession of Faith, or the Missal, we think it may be affirmed that the Roman Catholics yielded in the first instance, and have since lain quiet under these extravagant restrictions, with fewer signs of restlessness, and fewer experiments of a re-action, than was at all likely to have been the case. There is clearly no sense in making a whole body answerable for the proverbial wrongheadedness of one man, the impolicy of whose conduct was disapproved

of at the time, as much by his subjects of his own persuasion, as we learn, from Madame de Sevigné's Letters, that the bigotry of it was ridiculed even in the court of Louis XIV. The experience of a great part of Europe, at the present day, is conclusive evidence that Roman Catholics will rest satisfied with their due proportion of civil power, even in the most suspicious of all cases. If James II. had possessed a quarter of the good sense of the late King of Saxony, the English would have believed by this time, as stoutly as the Saxons or Mr Sadler, the possible happiness of Protestant subjects under a Popish king. As it is, we have ourselves been re-enacting the stupidity of James; and, unless we had stopped in time, might, like him, have lost a kingdom for a mass.

A great alarm is professed to be entertained of designs nourished by the Roman Catholics against Protestant ascendancy, which, as distinct from the last apprehension, must signify the Protestant Church establishment. This is, again, a very visionary panic. Whether or no the Church of England is entitled to Hume's test of merit in an establishment—the keeping down religious zeal, there can be no doubt that the intermediate position which she occupies between extreme sects, and the comparative moderation of her principles, are exceedingly favourable to her permanence, and likely to secure her the second votes of all contending parties. In this point of view, she can have nothing to fear from Roman Catholic intriguers, who, if gifted with a tithe of the subtlety attributed to them, will never assist to pull down a barrier which keeps out the fiercer adversaries of both. In the series of spirits by whom Lambeth would, in this case, probably be *possessed*, the last state of the Romanists would be worse than the first. Even if it be supposed that they would prefer the substitution of a national church of their own, we believe the laity to be sincere in renouncing the pomps and vanities of an opulent church government. They have an awful precedent of sinecurism too near. But admitting an abstract wish of this description, under certain circumstances and to a certain extent, to be as unavoidable as it is harmless, to raise the supposition into an argument, it must be understood that Catholic emancipation will arm the wish with additional means for its execution. The question thus stated is one, not of will, but of power: a comparison between the means they gain and the means they lose. But the exchange is, in this respect, entirely in our favour. The power laid down by them is unnatural and immense. The only weapon which is substituted is influence in the legislature; and the supposition of its being successful implies the religious conversion of a majority of both

Lords and Commons, and of the King; any one of whom standing out, must defeat such a speculation. In other words, it assumes the conversion of the least likely part of the English nation. In comparison of such a possibility, *Don Quixote* is a story of daily life. In fact, the danger to which the Church of England is exposed, is that of force and passion, not of argument; and the late system, beyond all doubt, gave the most encouragement to violence. The compliment to the Roman Catholic religion contained in the above apprehension, is as absurd as the apprehension itself is inconsistent with two other favourite assertions. We are first told that the mass of public opinion is so hostile to the Roman Catholics, that it has overruled the national sense of justice, and would not permit them to be restored to their civil rights; and we are the next moment threatened with a danger which can only be realised when that public opinion is become Roman Catholic itself. Again, we are assured that the Roman Catholic religion is a heap of fraud and wickedness; and yet it is immediately insinuated, that, notwithstanding the illumination of a Free Press, Mechanics' Institutes, and the Bible in every hand, and in spite of all advantages of wealth and of possession, the Church of England could not contend with the limited species of competition that the mere removal of civil disabilities would create. Our power of calculating probabilities does not seem much improved since the time when every good Protestant was expected to be equipped with a contemporaneous belief of at least four incompatible versions of the supposititious birth of a son to James II. With respect to any likelihood that the Roman Catholics should, in the interim, disquiet the public peace, by violent attempts to beat down the Church of England, the chance of such an act of frenzy, minute enough at present, must decrease to an invisible point, the moment they have themselves a vested interest as partners in the constitution. As long as you insist on keeping up a class of men, pauperized of their rights, and who, accordingly, can lose nothing by a convulsion, you provide the enemies of your peace with the requisite instruments for risks of this description. *Ibit eo quo vis qui zonam perdidit.*

Another distinction taken, to the prejudice of the Roman Catholics, is grounded on the notion supposed to be confirmed by recent events in Ireland, that their clergy have a peculiar art for governing this world, by an application of the terrors of the next.\* If this be indeed the case, in no age has the poverty

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\* The excessive influence of the priesthood, that has been so much deprecated, may be easily accounted for by more honourable causes

of a priesthood given such splendid proof of self-devotedness and denial. Whatever this influence may be, in nine cases out of ten it is an honest influence, virtuously obtained and virtuously exercised ; and without it, what would the Irish peasant be ? Exclusion might certainly aggravate, but would never cure it; and exclusion alone could connect it with evil consequences to the state. However, in respect of modern politics, the Roman Catholic religion and its priest can make, as such, no title (whether it be praise or blame) to that noble attitude so magnanimously assumed of late by the Irish people, in vindication of their wrongs. We know that some of the dignitaries at Rome, not long ago, expressed to that most excellent prelate, Dr Baines, something more than their astonishment, that the priesthood did not, or could not, keep their laity in better order. So little notion had they, at St Peter's, of the rough-riding talents such an experiment would have required, or the sort of steed to which these ecclesiastical Mazeppas would have found themselves attached.

A similar attempt to separate their case from that of other Dissenters, has been hazarded in the renewal of the old jest of their being but half subjects—having another king at Rome ! No objection was ever more disingenuous, even historically. In the present condition of papal power, one might as reasonably fear the humorist who always touched his hat to the bust of Jupiter. It was a small half that the Pope got, even in the olden time. When Boniface VIII. sought to rescue Scotland from the fangs of Edward I., by claiming it as a fief of the Church of Rome, the English Barons, (whose names the bishops may see in Rymer,) in a Parliament at Lincoln, sent an answer that ought to put to

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It is the chief earthly reward of a life of sacrifices, such as a Church, that has grown above its work, can form no idea of. If the political exercise of this influence had really much value in their eyes, they are entitled to proportionate praise for the readiness with which they have resigned it, and signified their acquiescence in the general usefulness of a measure directed so immediately against themselves. We have not heard of the slightest dissatisfaction having been expressed by a single Priest at the late disfranchisement. One of the principal agitators among them was canvassed by a great lay agitator, upon the speculation of getting up an opposition to the measure ; and he refused to interfere. At a dinner in the county of Limerick, where thirty-three priests were assembled, they approved of it unanimously, in consequence of the temptations to perjury which will be thus avoided. So honourably have these calumniated men preferred their duty as Ministers of the Gospel, to their supposed political vanity and ambition. Their credit is not the less, if we suppose them to have been confirmed in this course, upon observing who otherwise would be their new allies.

shame those who, by mixing questions of politics and religion, have blundered out the appearance of an argument, under the calumny of a divided allegiance. Bacon, who, living under Elizabeth and James, lived at the only moment, in all our history, when circumstances might have given to such an accusation something like a colour of plausibility, pushes the fallacy aside with scorn. He expressly states, when speaking of the supposed challenge of the Pope to become competitor with the King for the hearts and allegiance of the people; ‘This is that yoke which this kingdom hath happily cast off, even at such times when the Popish religion was nevertheless continued, and that divers states, which are the Pope’s vassals, do likewise begin to shake off.’ So, in another passage, he declares that the Roman Catholic conscience found no difficulty in distinguishing what belonged to Caesar, and what to God. ‘Never kings of any nation kept the partition wall better, between spiritual and temporal, in times of greatest superstition. I report me to King Edward I., that set up so many crosses, and yet crossed that part of the Pope’s jurisdiction, no man more strongly.’ Prynne’s Records were compiled expressly for the purpose of constituting an ‘exact chronological vindication and historical demonstration’ of the king’s supreme ecclesiastical jurisdiction. Bishop Nicholson affirms, that the third volume has enough in all conscience to satisfy any reasonable reader, and supersede the necessity of enquiring into the case, in earlier or later ages. Our Roman Catholic members will repeat in Parliament the words Lord Digby uttered there before them: ‘I am of the Church, but not of the Court, of Rome.’ The Roman Court at present is, to be sure, in Europe, much what the Court of Delhi is in Asia,—resting on an acknowledgment not much more than verbal, and on a sort of ecclesiastical coin kept current in its name.

There is, however, a further class of objections, derived not from Roman Catholics, but from ourselves, and which equally comprises all Dissenters. It is founded on the peculiar nature of the Church and Constitution of England. As faithful members of that Church, and admirers of our Constitution, we deny utterly the truth of so unfounded and disgraceful a proposition. We deny that the Church can want this sort of Corn Bill, to secure a protecting price, and keep her bad land in cultivation. Were it otherwise, and were it indeed true, that, notwithstanding all its present advantages, it was still in danger, there could be no surer proof that it ought to fall. The *quousque tandem* must bring it back to reason, should it be really insane enough not to be satisfied with the sacrifices which are making constantly in its behalf, with the money of all sects voted to build its churches, &c.; but proceed to insist on our also voting away the rights, and perilling the

peace, of the community. The notion of an alliance between Church and State may be rational enough, when properly limited and explained. The evil lies in its indistinctness, and liability to be abused. And no abuse of it can be greater than to extend its terms beyond honours and endowments; thus turning the open constitution of England into a close borough, and engraving on its comprehensive principles the disinheritance of any of its children. The shade of our ancestral oak stretched equally over all. Had Hume been aware of the late discovery, that there is an inherent incapacity in a free state to administer justice to all its subjects, with the same uniformity that more absolute governments possess, he would have been at once relieved from the refinements by which he endeavours to explain the melancholy axiom, that the freest countries have used their colonies the worst. But the truth is, that the more popular the spirit and mechanism of a government, the greater must be its real security that rights, once duly shared and balanced among its members, shall not be appropriated or perverted, by any fraction of a faction, to the disadvantage of the rest. A free constitution, properly understood, is one that is free to all. Accordingly, if none is entirely so, there will be all gradations of imperfection, more or less odious, from a republic with its few pet exceptions, down to the monopoly of a corporation, sole or aggregate—a Despot king, or Feudal, or Venetian nobles. But, among all the varieties of exclusion, bearing on the many or the few, none can be so fatal in its tendency, or so inexcusable in its principle, as that by which the majority or minority of a people are politically degraded into a Religious caste.

The proposition that, after all, seems to have been scarcely seriously mooted, of there being some peculiar incompetency for religious toleration in the Church of England and in our constitution, would indeed cut deep into their boasted excellence. Such a doctrine must have spread abroad a just suspicion, that it was something worse than complication which made our institutions so difficult to be understood. The taking counsel by the example, and with the sympathies, of other countries, has been lately treated with a most insane and insular disdain; as if our proper Continental policy lay in alliance with their moustaches and their kings, and not with their good opinion. Our own tendencies often lead us to indulge English feelings at the expense of English understanding: but a preference for being hated—to like to be despised—is an ultra patriotism of which we had no idea. On the contrary, returning home within these two years by Wirtemberg, Bavaria, and the Rhine, we felt ashamed of the perfection of good faith, in matters of religious differences, at which the honest Germans had arrived. Augsburg, for instance,

is now as quiet, as if the chamber where the Confession was drawn up had been used for the purpose of uniting men in charity, rather than in dividing them on faith. The population, 28,000, is nearly divided, being 3-7ths Protestant, 4-7ths Catholic. The Protestants have had occasion to build only one church for themselves, their other churches having been portioned off to them at the Reformation. We heard of no distinction,—except that the Protestants were thought to be the best brewers. Heidelberg and Bonn are two of the principal universities: and toleration is taught in them by the best of all instructors—by Example. The day after Ascension day, the Catholic world being all *en fête*, we followed them to mass in the principal church at Heidelberg; when we were surprised at finding it only half the size within that it was without. A partition in the centre explained this mystery most agreeably. The prayers neither of Roman Catholic nor of Lutheran will ascend less acceptable to God, because, under the same roof, and at the same moment, they are worshipping their common Father. The Prussian University of Bonn gains no less in charity than in doctrine, by the example of Professors of Divinity, both Roman Catholic and Protestant, leading, in virtuous rivalry, their respective youth towards heaven. The contrast between this harmony and the frenzy we had left, and were returning to, at home, forcibly recalled to our recollection an interesting letter by John of Salisbury. It is one where he describes the delightful calm, as of a new world, which the Continent presented to him, on leaving England, during Beckett's quarrels. *Gratior it dies, et soles melius nitent!*

Could we but look upon these uncharitable and useless animosities at an impartial distance! could we but hear foreigners sneering at our folly, with as much contempt as we should ourselves shower down on a Mussulman empire sacrificing its peace to the jealousies of the Soonies and the Shyeites! mere shame might then have saved us from exhibiting to the world, in the nineteenth century, the spectacle of a great nation brought to the very brink of a civil war, under the colour and provocation of a sweeping proscription founded on a difference of religion: The proscribed religion being the Christian faith of a third of its people—the faith, once of all, and still of three-fourths of Europe. Looking at those historic maps, which represent the course of nations as streams of time, we might have hoped that the human race had passed the period of such an approximation to a religious contest. Congresses have, on the Continent, cut up its root, by the declaration of first principles, whose common charity and common sense have been proclaimed by Alexander over all the Russias. But, alas! recent signs among ourselves, who once boasted of our precedence in teaching nations how to

live, have shown too clearly that good sense and good feeling are both, in certain quarters, in temporary abeyance. The war of the two Roses which were plucked in the Temple gardens, on a point of pedigree, was the insanity of a nation; but it would be madder still to pluck them in the garden of the Lateran, on a point of faith. The cry of ‘Free Trade and Free Man’ has put down among nations that of ‘St George and St Denis.’ Nor can St George and St Patrick long stand against the motto of ‘Civil and religious liberty’ among citizens, otherwise miscalled members of the same community. According to all reason, the being a natural-born subject is not being merely littered within the kingdom, but being recognised among its children, and nurtured on its hearth: and none are so much aliens as those who, descended of its blood and born upon its threshold, are yet made servants to their brethren. We are sufficiently unintelligible and unpopular abroad at present. Our discouragement to Continental freedom, our absolute institutions in both Indies, and above all, our Irish policy, have raised no very favourable estimate of the philosophy or philanthropy of our national character. But a religious war, on behalf of the Hind-and-Panther Church, (that is itself looked upon by other forms of Protestantism as semi-papal,) for the express purpose of maintaining political inequality, would, in the advanced state of Continental liberality, have been a horror over Europe. Lord Bexley put in a petition that he might be allowed to *die in peace!* That six millions of our fellow citizens should *live in peace* (we might say twenty, for we are all in the same boat) was rather a more immediate object of national importance. It is difficult to know how to accommodate those fiery spirits who hold life no longer worth the having, when their countrymen, of all denominations, are admitted into the participation of one common freedom. America is at hand to take compassion upon Jamaica, if debarred its old West India sweetmeats—the luxury of flogged women and Sunday markets. But Ireland cannot so conveniently be spared. We fear, therefore, should the sight of a mixed community, in the enjoyment of equal rights, prove absolutely intolerable, that his Lordship and the Brunswick Clubs must consent to emigrate. No doubt but Mr Wilmot Horton will be too happy to provide them with instructions for location, in the waste parts of Italy, Spain, and Portugal, the only bright examples, it is admitted, now remaining of similar exclusions. Lord Winchilsea, however, it is hoped, will remain behind, to superintend the comprehensive reforms he meditates: especially as he has set so useful an example, in the only case strictly in his power, by promising to remove himself out of the House of Lords. If he could persuade the rest of the minority to a similar secession,

we dare say the Bishops would find them a *Mons Sacer* somewhere, for their Divan.

We had hoped, for the credit of fair dealing, that a sepulchral stone was laid over the doctrine, that there could be any laws, however designated, of a nature to incapacitate future Parliaments from the duty of providing for the contemporaneous exigencies of the state. Yet the zeal of our legal resurrection-men has burst these cerements. They have availed themselves of the advantage which the Catholic Question offered them, of reviving this objection in its two most plausible cases. First, ‘That of ‘the union of an independent legislature upon certain essential ‘conditions’—example, the Union with Scotland. And, next, ‘That of an oath prescribed by act of Parliament to preserve, ‘without alteration, any of the established laws,’—example, the Coronation Oath. Both of these objections have been long at rest, as far as reason and authority can exorcise the evil spirit of political polemics.

This sentimental tenderness for the very letter of the Union with Scotland, in the mouths of those who themselves were parties to the Irish Union, and have passed the remainder of their days in violating its spirit, is part of the amusing by-play of the present moment. In 1772, it was urged that the repeal of the Act of Uniformity would be a dissolution of the Union between the two kingdoms. Burke opposed the repeal; but treated with contempt the notion that either contracting party could mean, or was competent, to impose at the outset a disability of this description upon the joint legislature it was then about to form. ‘History shows what it meant, and all that it ‘could mean, with any degree of common sense.’ Charles I. had attempted to establish in Scotland the rites of the Church of England. The Scotch Covenanters retaliated, and marching into England, prevailed on Parliament, by the ordinance of 1643, to plant their church on the ruins of that of England. (Vol. x. p. 8.) ‘To prevent such violent enterprises on the ‘one side or on the other, since each church was going to be dis- ‘armed of a legislature wholly and peculiarly affected to it, and ‘lest this new uniformity in the state should be urged as a rea- ‘son and ground of ecclesiastical uniformity, the act of Union ‘provided that Presbytery should continue the Scotch, as Epis- ‘copacy the English establishment; and that this separate and ‘mutually independent church government was to be consider- ‘ed as a part of the Union, without aiming at putting the regu- ‘lation within each church out of its own power, without put- ‘ting both churches out of the power of the state. It could not ‘mean to forbid us to set any thing ecclesiastical in order, but ‘at the expense of tearing up all foundations, and forfeiting the

' inestimable benefits (for inestimable they are) which we derive from the happy union of the two kingdoms. To suppose otherwise, is to suppose that the act intended we could not meddle at all with the church, but we must, as a preliminary, destroy the state.'

The supposed difficulty arising from the Coronation Oath, is compounded out of multifarious mistakes. The true answer to this objection, when it is adduced against the free exercise of the king's legislative authority, is, that the oath applies to the king in his Executive, and not in his Legislative capacity. The constitutional security against misconduct on the part of the sovereign, as a member of the legislature, is in fact that his legislative authority can never be called into action, except in the case of a measure which has already received the sanction of both Houses of Parliament. Our present oath is that of William III.; and we know that this was the very distinction with which he took it. On the same principle, the oath of allegiance binds the subject till he is discharged from it by Parliament, but was never understood to control the free agency of a Member of Parliament, when acting in that character. So far from it, by his own vote, he can be a party to the dissolving and transferring his own allegiance. Suppose, however, that the oath may regard the king as a member of the legislature. In this case, it must be considered in one of two lights, either as a *compact* entered into with the nation, the fact and sincerity of which engagement it was the object of this solemnity to witness and record,—or as a religious *vow*, to which there is no other party but the King and God, and in which, therefore, the royal conscience is alone concerned. It must be observed, however, that the history of the coronation oath, and the part that Parliament has taken in drawing it up, is totally irreconcilable with this latter view of it. If the coronation oath is regarded as a contract between the king and his subjects, the sense and obligation of the royal promise must be construed according to the known understanding of the imposer,—or the people. It can never have been intended to bind a monarch *against* such changes as were sanctioned by the national consent. No people in their senses could ever dream of imposing terms so purely prejudicial to themselves. In the event of doubts, we are not in this case, as in that of the 39 articles, without a tribunal to refer to for explanation. The British Parliament represents the British people; and no stronger proof can be given, not so much of a discharge from the promise, as of their sense of its meaning, than the fact that Parliament is itself requiring the royal concurrence in these measures. If the coronation oath is regarded simply as a *vow*, <sup>the</sup> scruple in question looks like part of the ill-informed con-

science of some frightened nun, rather than the prudent deliberations of a manly reason; whilst it treats the Supreme Being as an unmeaning idol, instead of the fountain of all goodness. Such infatuation is as incompatible with the real duties of a public magistrate, as with any proper notion of the Divine nature. Further, whether the oath is to be considered as a constitutional contract, or as a religious vow, the construction that has been attempted must, in many cases, avoid the obligation altogether. For it will occasionally lead to consequences that are impossible—to consequences that are inconsistent with a more general engagement—and to consequences that are unlawful. The Japanese, who are said to swear their emperor to the maintenance of fine weather on all suitable occasions, do not bind him to a greater impossibility than is required of an English sovereign, by those logicians who stipulate that he shall maintain the Church at all seasons, by laws and institutions of one particular description. This limited interpretation may be inconsistent with the more comprehensive obligation by which a king is pledged to consult the good government of all his people. Lastly, Bishop Saunderson, or any *Ductor dubitantium* in cases of conscience, would undoubtedly give a Protestant the benefit of the same enlightened common sense by which the ecclesiastical authority of Roman Catholic discipline overrules a rash engagement. Every man must exercise a dispensing power over himself, in such a case,—and not the less because the jurisdiction may be full of peril. Any promise, however solemnised, which stands in the way of the interests of a nation and of the public happiness, is as unlawful as the oath of Herod, or Jephthah's vow. In the debate 1689, on altering the wording of the oath, it is clear, from the language used by Somers and Pollexfen, that, although they would have wished greater latitude in the expression, yet they had not, in this respect more than in any other part of the arrangements of that crisis, an idea that they were laying a further burden on posterity than that of gratitude for their present services. ‘It is said that by this we are “going about to alter the constitution of the Church. Though the constitution be as good as possible for the present time, none can be good at all times. Therefore, I am for the word “may,” and that will be a remedy at all times.’ (Somers.) ‘We are all agreed, and, I hope, ever shall be, to the Protestant religion, “established by law.” We desire to consider, whether the latter words shall be added, or not? I see no manner of reason against it. We all agree in substance; but if, by the wisdom of the nation, it shall be thought fit to alter, we are at liberty to do it. No man that maintains the law, but maintains the whole legislature, which alters and redresses the law from

'time to time, as there is occasion.' (Pollexfen.) Mr Amos, in that great repository of constitutional learning, (his edition of Fortescue, p. 126,) has given references to the history of the difficulties that have arisen out of narrow notions of the obligation of the Coronation Oath. Thorpe, C. J., was hanged for breaking that part of it in which the King swears that he will administer justice: But this notion of perjury by proxy, is much more reasonable than to suppose that a sovereign, when acting with and for his people, can be in danger of breaking the oath himself.

'To die for treason,' and to 'be hanged for nonsense,' are two things which Dryden put in opposition; late effusions seem, however, to show that they may, at times, draw very happily together. Divines have the privilege of safely expatiating in sermons concerning 'legislative treason against the majesty of heaven.' They are only qualifying to join Sibthorpe, Mainwaring, and Sacheverell, as chaplains to Lord George Gordon and his humble imitators, in the Elysian Fields. But sergeants-at-law are on more dangerous ground, when they preach to his Majesty George IV. on what conditions they hold their allegiance, and he his crown. Our learned friends know full well, that, by statutes both of Elizabeth and Anne, it was declared high treason to deny by writing the power of King and Parliament to limit the succession of the Crown of England. They know, too, that Matthews, a printer, was executed, in 1719, on this latter statute, for a treasonable pamphlet, with the motto, which they now so much admire, *Vox populi Vox Dei*. Notwithstanding what ex-speakers and ex-chancellors may tell the House of Savoy, this parliamentary doctrine is indeed the one great continuous maxim, which has never, from the reign of Edgar downwards, been silenced or displaced by any absolute tenet of Legitimate succession. The Constitution is as little conversant with theories of divine right. 'The divinity that doth hedge a king,' certainly never meant that body of it which is comprised in the 39 articles, or on the bench of Bishops; any more than the 'heirs of the body of the Princess Sophia being Protestants,' meant Protestant, in the sense of the Brunswick Clubs.

As we are much less equitable in our political conduct towards the Roman Catholic religion than those ancestors to whom we owe its reformation, and who saw in it no general ground of disqualification, but were content to meet particular civil emergencies with separate and successive provisions; so some among us seem much less faithful children of our true English constitution—that is, of the sovereign authority of the King and the Three Estates in Parliament assembled—than our Popish fore-

fathers approved themselves. It is a fitting occasion to recall to our modern Jacobites, with the Church for their Pretender, the two following testimonies, borne by Roman Catholics, to the practice and understanding of our earlier and plainer times. They are particularly interesting and conclusive, from being connected with names the most illustrious in our history—the one for nobility of virtue, the other for nobility of blood. Rich went, as Solicitor-General, to Sir Thomas More, when he was prisoner in the Tower for declining to subscribe to the King's supremacy, on the honourable errand of worming out evidence from him against himself. The answer of this celebrated Chancellor marks how clearly the line between the spiritual and temporal power of the Pope—between the keys and the sceptre—was then recognised. Of course, no Dissenter of any sort can be expected to admit that the King is, spiritually, the supreme head of any church but that of England; and few ministers of the Church of England, we imagine, although the Reformation transferred most of the Pope's ecclesiastical jurisdiction to the Crown, acknowledge in the Crown the same spiritual supremacy over the religion, as religion, which Roman Catholics attribute in some measure to the divine appointment and succession of St Peter's chair. ‘Rich, ‘protesting that he had no commission to talk with him, demand- ‘ed of him, if it were enacted by Parliament that Richard Rich ‘should be king, and that it should be treason for any to deny ‘it, what offence it were to contravene this act? Sir Thomas ‘More answered, that he should offend if he said no, because he ‘was bound by the act; but that this was *casus levis*. Where- ‘upon Sir Thomas More said he would propose a higher case: ‘Suppose by Parliament it were enacted, that God should not ‘be God, and that it were treason to contravene, whether it ‘were an offence to say according to the said act? Richard Rich ‘replied yea; but said withall, I will propose a middle case, be- ‘cause yours is too high. The King, you know, is constitute ‘Supreme Head of the Church on earth; why should not you, ‘Master More, accept him so, as you would me, if I were made ‘king by the supposition aforesaid. Sir Thomas More answer- ‘ed; the case was not the same, because (said he) a Parliament ‘can make a king and depose him, and that every Parliament- ‘man may give his consent thereunto; but that a subject can- ‘not be bound so, in the case of supremacy.’ (Herbert's Henry VIII. p. 421.) Half a century earlier, Lord Surrey had replied to the reproaches of the Earl of Richmond (whose usual name for Richard was afterwards tyrant and usurper) in words equally emphatical, on Bosworth Field. ‘Sir, he was my crowned king. ‘Let the authority of Parliament place the crown on that stake, ‘and I will fight for it. So would I have fought for you, had

'the same authority placed the crown upon your head.' Papists, it would thus appear, may make better Parliament-men than certain of their revilers. There have been reigns when the desperate plunges, which certain gentlemen have not had the self-command to refrain from, would have risked getting necks, however stiff and venerable, into a halter. The Earl of Eldon and Baron Redesdale would almost seem to have been amusing themselves with speculative possibilities, as deep and dangerous as what Sir John Scott and Mr Mitford felt bound to prosecute in 1795. At the same time, we must do them the justice to admit, that they themselves meant always to stop discreetly, with the *spargere voces in vulgum ambiguas*, and to leave those, whom their language might mislead, to go on with the remainder of the line.

There are certain words which convey to no two minds exactly the same meaning—such as Religion, Church, Constitution. Therefore, when a particular line of argument is made to rest on them, we must, however unwillingly, sometimes seek for light concerning the sense in which they are employed, out of the character of those that speak them. For instance, it may explain matters, should we find that, according to some creeds, the use of a Church is, not to be entered, but to be given away; and that it is not in spite of its exceptions and deformities, but because of them, that the Constitution of England is venerable and dear. The cause of all this fury is nothing more or less than the atrocious proposition, that, in as much as the Constitution of England was originally no respecter of persons, and as the necessity on which certain distinctions were afterwards introduced has long ceased, the statutes which introduced them should be repealed, and the common law restored. The Reformation was a Reformation of the Church, and not of the State,—an ecclesiastical, not a civil transaction. The mitred Abbots lost their places in Parliament, together with their abbeys; but the Talbots and the Howards were no more deprived of theirs, than of their titles or estates. It merely substituted, in lieu of the ancient faith, our peculiar modification of Protestant discipline and doctrine. This became thenceforth the national Religion, or that form of Christianity, for the maintenance of which the funds set apart for the payment of religious instructors was to be reserved. There was no idea of interference with civil rights through the reign of Henry VIII., Edward VI., or Mary. Elizabeth stood in a position which would have explained and justified any precautions. Still she behaved, upon the whole, with her usual magnanimity, and with more than her usual forbearance. The immediate policy of her statute respecting the oath of supremacy, as it was confined to the House of Commons, was probably the same as that which after-

wards brought in the Septennial Bill at a less critical conjuncture. Whether the oath soon ceased, in point of fact, to be demanded of Roman Catholics, or whether their objections were removed by the commentary upon it contained in the Queen's Declaration, it is universally admitted that they continued to sit, as freely as Protestants, in the Lower House. Meanwhile there was no want of hostile measures, in that portion of the field of legal injustice, which was considered as left open to such experiments. From time to time, offensive weapons for enforcing conformity of opinion were taken down. M. Guizot properly notices the practice by which Charles I. and his Protestant subjects were wont to make up their quarrels, by agreeing to persecute the Papists. Thus also, there cannot be a stronger proof, that during the great era of the Reformation, and among our greatest Statesmen and Divines, the fictitious dread of political union with Popish idolaters, or the necessity of a solely Protestant Legislature for a Protestant people, was no principle of theirs, than that the Catholic Lords of Parliament were left for near a century and a half in undisturbed possession and exercise of their hereditary right.

One of the most mournful and humiliating pages in the history of any people, is that conspiracy against Piety, Grey Hairs, and Loyalty, to which the English Protestants lent themselves, under a miscreant apprenticeship to Titus Oates. The too celebrated statute, which was then baptized in the blood of guiltless victims, is entitled to no respect from its antiquity; and to still less from the mood and moment to which it owes its birth. It was as much a novelty in itself, as a disgrace in its immediate cause, and an injustice in its subsequent operation. Our Constitution existed in all that is characteristic of it, long before the 30th Charles II. was ever heard of; and we trust will flourish for ages after it has sunk into the forgetfulness of the grave. It was passed by a family that never scrupled sacrificing their friends, and was demanded by a people whom, for their credit, we must believe Panic had absolutely demented, as a substitute for the much simpler and sounder measure which the Bishops had rejected—the exclusion of a single noxious prince. It was continued, during the long personal unpopularity of the new regime, in order that (by identifying the Stuarts with Popery, and thus mixing up a horror of Popery with our daily bread) the great objects of all reasonable men—a pure parliamentary succession, and a disclaimer of debateable prerogatives—might be secured against the infamy of a second Restoration. In proportion as the Whigs were foremost in acting upon this supposed necessity, whilst it lasted, it has been a duty especially binding on their honour, and which they have most disinterestedly dis-

charged, to be as forward in insisting that the rights of their fellow citizens, which were thus for a time impounded under the custody of the law, should be redeemed and set at large when that necessity had passed away. If Lord Somers were now alive, he would protest against this misuse of his name, and those of his great colleagues. He would discriminate between the common-law principles of the British Constitution, and the temporary provision of 1678. He would show the necessity of carrying on the collateral guarantee of these subordinate securities for a time, as a hold of sympathy between the Whigs and the doubtful portion of the people, and as a protection against the mischief of any communication between a religious class of avowed and necessary Jacobites and the Stuarts. Observe the difficulties of that period. Half William the Third's Ministers, notwithstanding this precaution, in correspondence with the exiled family at St Germain—the natural calculations upon the succession of the Stuarts, founded in feelings of sisterly affection, as well as on principles of legitimacy, during the reign of Anne—the two rebellions of 1715 and 1745, in their behalf. Such are the facts which Lord Somers (could he startle those that privateer under his colours, by rising up among them) would offer as the contingencies which he foresaw, and against which no bond, no security, no penalty, however levied, could possibly be too great. But that it was engrafted as a permanent part of the great measure then confirmed, he would as assuredly deny. It was no more part and parcel of the Bill of Rights or the Act of Settlement, because, at the period when these separate transactions took place, it happened to be a contemporaneous and serviceable portion of the law, than the Test and Corporation Act, or than the Statute of Frauds. The Hebrews spoiled the Egyptians the day they escaped from the house of bondage; but if succeeding patriots had proposed, in honour of their 1688, to keep the year of their deliverance holy, by a repetition of the practice, we have too much respect for Samuel and David, to think either the proposition or its proposers would have met with much encouragement at their hands.

We repeat, that the exceptions thus introduced into the English constitution were proposed on the plea of an immediate necessity. If the necessity did not exist, shame on the authors of such a falsehood! the more shame, too, on those who wrong the children of this century, because they wronged the fathers of the last; and who use their former offences, not as grounds for repentance and restitution, but as precedents for new and premeditated errors! But supposing the necessity did then exist; the moment that it ceased, and the exclusions might have been dispensed with, it was as wicked to prolong them for a day, as it

would be madness now to keep them up, in the face of the contrary danger they have provoked. At all events, a necessity of this description during the period it is assumed to last, was cause for sympathy and sorrow ; it should have been submitted to in sackcloth and in ashes, and not celebrated in the orgies of a festival, or paraded in brutal triumph. These are the feasts that shiver a kingdom, and where God might be looked for to interpose upon their walls, *mene tekel*. What should we think of sons, who, succeeding under a will, either made in pique, or obtained by fraud, were not content with dividing among themselves the patrimony of their common parent, but outraged, by indecent anniversaries of drunken congratulation, their unfortunate and despoiled brother starving at their door ? What would the father of the prodigal son have answered to the demand of a holiday and fatted calf, to feast the messenger who brought him word that the self-made orphan was feeding upon husks ?

Besides, were the fact historically otherwise, still it is pedantry to put the age we live in, and of whose character and wants we alone can judge, into bondage to the accidents and apprehensions of an earlier and different society. The blessing of one century must not therefore become the destruction of the next. Politics cannot be dealt with as fixed quantities. What was simply *just* one year, becomes expedient the next—immediately and peremptorily indispensable the third. The scales, where yesterday you were calmly weighing principles of confidence and affection, may break from you to-morrow under the weight of an instant and preponderating danger. The modern notion that some men seem to affect of the English constitution, is no less unreasonable than the ancient fanaticism, by which both liberty and virtue were often found nothing but a name. It is spoken of as the object of a metaphysical passion, abstracted from the rights it guarantees, and without the slightest reference to the amount or nature of the blessings enjoyed under it. If its form in skeleton can be pointed out in the museum, no matter that its noblest tendencies are undeveloped, or its general spirit overruled ! If the surrender of a vain ceremony or irritating distinction (the growth of a middle age, or some late invention) would reclaim the wavering and pacify the discontented : No ! they would sooner see both country and constitution reduced to dust and ashes !\* And strange

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\* This defiance of the happiness of a nation has, to be sure, a parallel in a letter from Lord Clarendon to Digby, in reference to the treaty of Newport, quoted by Mr Hallam. ‘ You may easily conclude how fit a counsellor I am like to be, when the best that is proposed is that which I

to say, these ravings are paramount and supreme among the creatures of expedience and of circumstances, who declaim against the name of theory, principles, and system, as the crotchets of a wayward and ungrateful generation.

When we think of the disproportion of the stakes—of the sort of object for which all this wretchedness was risked—of the little that we could win, and the immensity that we might lose; no words can approach to the expression of our astonishment at the wildness of the game which we have been playing. What we could gain by persevering in our Irish policy was just this—the pleasure of insulting a high-minded and excited people some few years longer. What we might be throwing away was certainly our honour, possibly an empire: the first now—the next, that day when the football should spring from under our feet, and stand before us an armed man. It is sometimes foolishly argued *ex converso*, that the disease cannot arise from causes slight as those debateable at present between the countries: as if what they would acquire must be a trifle, because it is but a trifle that we are parting with. It is true, the only men who at any time could put their fingers on probable loss, by conceding justice, have been the few Protestant monopolists of the Irish representation; for whose benefit alone the injustice has been done. But none are now more aware than they, that the tide has turned; and that their only chance was to regain by concession what the struggle had wrested from their hands. Nationally, the mere arrogance of the superiority implied on one side in these exclusions, will be soon replaced a hundred-fold by sounder and more honourable pleasures: To say nothing of the unreasonableness of any one requesting leave and license of the law to kick his neighbour, on the score of the peculiar relish he takes in the recreation. On the other side, nothing can be proposed, either as an explanation or as an indemnity, to men branded with civil inferiority and religious stigmas, which is not in itself an insult—to be resented always as such—to be resisted the instant they have the power. Sure-

*'would not consent unto to preserre the kingdom from ashes. I can tell you worse of myself than this; which is, that there may be some reasonable expedients, which possibly might in truth restore and preserve all, in which I could bear no part.'* We quite agree with this celebrated Ex-Chancellor on the sentence of incapacity, which he is aware he is passing on himself by so desperate a declaration. Laud could write nothing more unstatesmanlike. The proud impracticability of Lilliput, which never forgave Gulliver for putting out a fire in the royal residence, is common sense, compared to a conspiracy of this nature between the pilot and the chaplain against the safety of the ship committed to their charge.

ly, too, the moral enjoyments arising from self-respect, from political independence, and an undegraded relation to the Supreme Being, are cheap indulgences. They cost nothing either to government or landlord. At the same time, they may become, in the eyes of those to whom they constitute the sole distinction, precious to a degree of which more worldly natures, devoted to the pomps and sensual greatnesses of life, can have no idea. To make little of such matters, is to know nothing of those feelings which can alone make men or nations truly great. It is part of the insolence of wealth and station to overrate their own advantages, and to measure all comparative conditions by that ignoble standard. Thus, in the planter's creed, if you drive your negro and your other cattle together into the same stable, tie them with the same halter, and feed them at the same stall, the negro, *if better fed*, ought to be better satisfied than the freeman out of doors! Besides, all injury directed against the mind, and its moral character and religious faith, is so far the worst of any, as it must be seen to be altogether voluntary and gratuitous. The victim of other grievances may be taught that they are natural and necessary evils: But this, he knows, exists not in the nature of things, or in the organization of society; but exists by modern statute—the artificial machinery of English and Protestant oppression. Of all moral degradations, none can vibrate so deeply through the human frame, none seems so daringly to pollute the sanctuary of the heart and conscience, to break in on those awful hopes and fears which reach through eternity, and which dim even kingdoms into specks, as a degradation that plants its colours over a vanquished and calumniated Faith. Of all chains, that whose iron enters furthest into the soul, and whose clank must wake up imaginings and visions that can never rest, is the chain that we are compelled to drag up to the very altar, in order that its presence may insult our God.

We are not aware what the Almanac-makers have prophesied for the present year; but before its curtain drew, we brooded with intense anxiety over what it might bring to pass. Our quiver of prevarications had shot evidently its last bolt. The peril had become so imminent, ‘that the politic and artificial nourishing of expectations, and carrying men from hopes to hopes,’ instead of ‘being an antidote against the poison of discontent—“ments,” was itself become a poison. Pandora’s box was shaken empty; the cry of Hope, like that of Wolf, had been falsely raised so long, that the idiot echo would no longer be at the trouble of repeating it. We felt ourselves standing, with Hercules in the allegory, where two roads part, within a peremp-

tory circle drawn round us by a necessity stronger than any sword. We could not stand there long; we might be standing there for the last time! What was to be done, if to any purpose of humanity or policy, must be done quickly. A principle was at work as universal as any in all nature. It would be as easy to put off high water, or adjourn an earthquake, till to-morrow. A policy made up of actions and reactions, with its divided cabinets, raising, sinking, thwarting the strongest opinions and feelings that circulate throughout society, had left us to drift on where the breakers were ahead, till we must almost graze the reefs as we shifted the helm.

In this great national arbitration, on one side, we saw justice to be had for nothing, and yet which would be received with tears of joy; on the other, injustice, that must cost us every thing which a nation has to lose.

It is one of the misfortunes of all relations that commence in inequality, that as the proportions change, unless the mind of the superior is sufficiently enlightened to change too, the intercourse can end only in irritation and collision. Mother countries that will keep their dependencies in leading-strings for ever, are like fathers that forget their children are become men. The effort to prolong a power that nature is wrenching from us, is usually as injurious to the character and happiness of the superior who struggles to enforce it, as to the inferior on whom it is attempted to be imposed. Painfully as the Roman Catholics have suffered in the stunting of their natural development, and in the fever of a century of indignities, their political adversaries have come out of this moral warfare with still deeper wounds. Satan knows that other passions besides revenge have their recoil.

The passionate opposition which has been raised in England, has its chief source and excuse in the ignorance of the many, and the artifice of a few. In Ireland, it was raised and inflamed by the traditional pride of a dominant Ascendency. The Brunswick Clubs were not only impotent as protections against the fictitious danger of a violation of the public peace by their opponents; but they were powerful in calling forth opportunities and passions by which that peace might be disturbed. They and the Catholic Association were alike lawful as assemblies for the collection and expression of certain opinions; but societies convened for the purpose of perpetuating oppression, (however peaceably conducted,) can receive no better justification, moral or political, from the opposite precedent of a society, whose object is the restitution of legal rights, than what a club of slave-dealers might draw from the analogy of the African Institution. The mode,

however, of pursuing their respective objects has differed as widely as the objects they had in view. If the Catholic Association have shocked at times their distant friends by intemperance of language; the others have raised nothing but one war-whoop, and cry for arms. No lover ever fixed more intense and beseeching eyes on the countenance of his mistress, during the pause, and hope, and agony of a long sought for answer, than they have watched the looks of Government, for leave to draw the sword, whose hilt was always in their hand. They were ever speaking as though the indictment of a whole nation were an easy thing to draw; and an easier thing to carry through. But Ireland has more than one neck. She would have risen *scelto corpore firmior*, and have dashed to pieces both the torturer and the rack on which he dared attempt once more to stretch her limbs.

The Church of Ireland, no less rancorously than insanely, has allowed itself to be mixed up with words and wishes alike scandalous to its character, destructive to its usefulness, and perilous to its existence. By a like miserable degeneracy, the University of Dublin has become a fit pendant to its Corporation, and is perverted to, what the worst revilers of Maynooth would describe but faintly, by calling it a Protestant Maynooth. What bitter waters must flow from such a fountain! when, by their earliest education, the youth of Ireland, through impressions thus wickedly ingrained, are more disqualified for the discharge of every duty of social life within their native land, than they could be by a hundred statutes! We had made a collection of these speeches; but shame for our age and country holds back our pen, and prevents our circulating, for the astonishment of Christendom, these atrocious anticipations of a religious carnage. How impossible to imagine the meek and lowly Jesus, whose Gospels are a manual of good-will to man, present at the orgies and listening to the harangues of these, the profaners, not the ministers, of his Word! And how difficult to believe, that the Church of England will compromise its fame and unite its fortune, by leaguing with ecclesiastics, whose passion it must reprobate, and whose demeanour it must despise!

These men should really know the edge of the precipice on which they have pushed us; and that their cry being properly interpreted, is nothing more, than that 'I will be drowned, and nobody shall save me.' Mere strength and courage are not securities enough for victory; or America would still be ours. Let those who will regard nothing in a contest but its issue, look back to that fatal war, also with a kindred nation. It began with every thing in our favour, but justice. Such was the una-

nimity, that the minority ranged from five to ten in the House of Lords. Lord Rockingham's party, when joined by Fox, was always under fifty in the House of Commons. For mere law, the lawyers were all clear on the legislative authority of this country. The people at home so positive, that they would have stoned the man who had proposed to surrender it, without one dissentient voice. The soldiers thought the Yankees were a sort of negroes escaped from Newgate, and sailed, delighting in the expedition. The Americans themselves were divided. None dreamt of independence. The hottest would have been satisfied with some slight concessions. They were scattered over a vast country, unprepared, and shrinking from the idea of a battle. Yet the Principle of Freedom, and the sympathy of Europe, were stronger than the bayonet of England; and we were shortly seen closing a disgraceful war, where two armies had laid down their arms, with a peace that left us not even our honour. With this example yet burning in the memory of even the present generation, are we asked to forget so soon Burke's touching lessons of charitable wisdom,—those beautiful contrasts between compromises entered into by friends, and terms imposed by enemies? If nations will learn by nothing but experience, is not one experiment of political arrogance enough? It lost us half an empire, and has raised against us an enemy, in the long run, more formidable than Napoleon himself, from the deep and now hereditary feelings with which the shock of that separation was enforced.

Nothing is more dreadful than to see men of serious demeanour, and in the gentle tone of summer, going through their fearful calculations, and casting up the whole arithmetic of blood. Swift calls hanging the natural death of a footman. It seems Insurrection Acts and rebellions are to pass of course, as a mode of existence quite good enough for Ireland. Its story might be written upon the roll visioned by Ezekiel, inscribed, both from within and from without, with Woe. Surely the misery of past rebellions might satiate any ordinary appetite for misrule. Sir W. Petty computed that, in his time, the loss of human life during eleven years of war, exceeded 600,000. At that period, the population of Ireland amounted to 1,466,000: it has now swelled to 7,000,000. The forces then employed in Ireland (80,000) were four times the military strength now stationed there, and their expenses reached the sum of L.13,200,000. The destruction of property, in houses alone, is calculated to have exceeded L.2,000,000, and the total loss in wealth to have amounted to L.37,000,000. Could these casters of horoscopes in 'the House of Mars' revolve the destiny of Ireland in perpetual cycles of rebellion, they must be prepared for their becoming

of wider and darker orbit at each recurrence. During the rebellion of 1798, the force maintained was 100,000 men; and £11,000,000 were raised by loan, for the expenses of Ireland, over and above the entire revenue of the year. Listen to present ravings, and we never shall conclude the terrible recitals of these drains on our honour and our strength. In such case, unless Providence in its mercy scuttle and sink her in the ocean, Ireland must remain the one constant reference, to which all who hate our pre-eminence shall appeal during peace in argument, and with rebellion during war. A generation may perish in such a struggle, but a nation never dies. It passes on the torch, with one circle more of blood upon it—the *aliquis nostris ex ossibus ulti* is behind. Whatever ruin may befall themselves, they have the certainty that it must come tenfold on their tyrants. The storm which levels their cabin with the earth, will roar through the silent and dismantled halls that have frowned in hostility on their cause.

Let us not deceive ourselves. It is the nature of a cause of this description, based so deep on all that is most central in human interests and feelings, to feed itself on internal fuel. Though no flame had broken through the earth, it would not be the less certain that the conflagration was moving mysteriously within. Individual nature may be trifled with, bought off, and intimidated, or by its quick turns may deceive you in a hundred ways. But the minds of six millions of sentient beings, bound together and impelled by common wrongs, form a moral universe, whose march you may calculate as certainly as that of any comet. Under such circumstances, individuals are nothing—the foam of the moment, cresting the highest wave, or the sea-gulls that shriek by. The Harp of Ireland, rocking with every blast, wanted no hand to strike it; swept by the winds of heaven, its fierce and fearful music must have found an echo in every heart. To talk of this meeting or that, of one man or another, a priesthood more or less active, as answerable for its excitement, is to mistake the flags and music for the army. Insanity alone would think that any force can arrest it, but a moral force acting on the mind, whence issues the original disturbing power. To us, the wonder is, not the attitude which Ireland has taken lately, but that she had not taken it long ago. When this opinion is acknowledged by Englishmen like ourselves, murmured over Europe, shouted in America—what must Irishmen themselves be feeling? Ever since their connexion with England, they have been used as bondsmen, not as brethren; sent to eat at the second table, and supplied in each successive century with some experimental minimum of law and justice, as

low both in quantity and quality, as might hold society together for the time. Like some giant figure, rising and expanding in the mist, they have in the interval snapped their former fetters by the mere growth and enlargement of their bulk. The log which they now throw down and refuse to carry any further, is not the less detestable and detested, because it is the most servile and the last. It is clear that the time was come, when, in the extremity on which they stood, they would offer us only one alternative. Out of the saffron folds of their Milesian mantle they shook to us peace or war; or, if national pride likes the expression better, they gave us two sorts of peace to choose between—the peace of solitude in the annihilation of a people, or the peace of an attached and prosperous confidence, which will even yet rush into the arms of our tardy justice.

Swift, very little more than a hundred years ago, describing the contemptuous treatment of Ireland by some of its chief governors, in their speeches from the throne, says, they looked down upon that kingdom ‘as if it had been one of their colonies ‘of outcasts in America.’ He would not have been more surprised, in 1829, at learning, that those outcasts had taken precedence by half a century in successful resistance to misgovernment, than on finding that the actual strength of Ireland was, to so many purposes, at present represented by the Papists, whom he not only then described as having less power and less land than Papists in England, ‘but as being just as inconsiderable in point of power as the women and children.’ This change having taken place—for what we might expect from their remarkable talent for combination, he would go no further than his own experience in the trumpery question of Wood’s half-pence, where the national refusal to receive them enabled the Drapier’s letters to defeat the government of England. ‘General calamities without hopes of redress are allowed to be the great uniters of mankind; since nature hath instructed even a brood of goslings to stick together while the kite is hovering over their heads. It is certain that a firm union in any country where every man wishes the same thing with relation to the public, may, in several points of the greatest importance, in some measure supply the defect of power; and even of those rights which are the natural and undoubted inheritance of mankind.’

The necessary result of an attempt to combine two things that will not unite, (the forms of freedom and the practice of despotism,) had reached the point at which both the national feeling and national arrangements that are opposed to it might be considered as complete. The only thing ever wanting from

the Irish people, was a patience and prudence equal to their zeal and resolution. If they could but bide their time, and, ‘ hush-ed in grim repose,’ wait the opportunity, which Providence, to punish man’s injustice, sooner or later offers a wronged dependency, (whether it be called Greece, Italy, or Poland,) their country, however wasted and bleeding from the contest, must have come out avenged and free. The state of Ireland, so singular in every thing at present, is not the least so in another test, by which we may measure the intensity of that passion, in which for the time all others have been absorbed. We allude to the diminution of Crime, that has made the late circuits throughout all Ireland rather a judicial pageantry, than the presence of a tribunal necessary for the public peace. The same enthusiasm and high purpose, by which their boon companion, whisky, was scourged as an unholy thing at Ennis, carried some months ago seventeen prisoners, without interruption, through Tipperary, under the escort of one policeman and the jailer. Ireland was again the land of Saints ; and Moore need no longer ask, ‘ were Erin’s sons so good or so cold,’ &c. Constabulary Acts were waste paper ; feuds were suspended, and hereditary enemies had embraced, in order that private animosities might not withdraw the energy of individuals from the concentration of their common cause. This spectacle of a nation, as it were, under arms, would not be one of unmixed evil, if ordinary times could preserve, for the virtues of daily life, some permanent advantages from the self-command and forbearance imposed by this awful period. It manifested, whilst it lasted, the omnipotence of the excitement, the perfection of the organization, as well as the skill with which it was wielded ; and, what is chief of all—that, like American Indians, they had learned at last to join with their native versatility and fire, the whole philosophy of hatred—that power of long, intermediate, stoical endurance, so necessary to those that hope to graduate in revenge. There is no passion on which, when you have good security, compound interest may be so well allowed to run. This reliance on the combination of their own forces, the concurrence of all natural passions, the result of all arguments, the encouragement of the friends of liberty all over the world, have been for some time aided by feelings from other countries, of unfortunately a more mixed and uncertain character. Nothing but a settlement of this question would have enabled us to distinguish between the friends of freedom and the enemies of England. A book has been lately published in France, under the name of Col. Roche Fermoy, exciting the Irish to resistance, and instructing them how to make that resistance effectual. The American press teems with wi-

tings breathing the same spirit : such as Wolfe Tone's Memoirs, Teeling's Life, Sampson's Memoirs ; the *Vindiciae Hibernicae*, printed at Philadelphia, by a subscription extending throughout the Union. America, meantime, was becoming not merely the house of refuge for Irish carbonari, but a bank for raising and transmitting the 'Peter's pence' in aid of religious freedom ; Catholic rent would have been ere long as regularly collected at Baltimore and New York, as in the county of Kerry.

Under these circumstances, civil War has been the mad alternative called for ! Upon this, there remains a last and fearful question. Those who will hear of nothing but the sword, should be at least certain of the temper of their steel. The soldier of the present age, however drilled, and dressed, and barracked, must remember always that he is still, and was first, a citizen. Even if the great Duke, Lord Anglesey, Sir G. Murray, (the army's household gods,) had not in peace come forward in behalf of their comrades who had stood with them side by side in the day of danger, could the Irish private have been indeed relied on, when ordered out to bayonet his countrymen for the crime of seeking to remove an insult from their common faith ? A soldier already, having attended the Association, wrote of the 'brave Catholic soldiers who shed their blood,' &c. Already the regiments in Munster had cheered O'Connell on his return for Clare. Already have we heard, even in quiet English quarters, of some that were 'running rusty about what was 'called Catholic emancipation.'

Rupit Amor leges ; audet transcendere vallum  
Miles, in amplexus effusas tendere palmas ;  
Hospitis ille ciet nomen, vocat ille propinquum,  
Admonet hunc studiis consors puerilibus aetas,  
Nec *Romanus* erat, qui non agnoverat hostem.

Such might have been the case, had the Connaught rangers taken the field against that Association, of which the Catholic rent had made the cottage of their fathers a component part. The man must have a strange notion of human nature, who thinks that in a country where such sympathies are a passion and a disease, that the ties of blood will break at his bigot bidding. It is dotage not to feel, that every peasant lad who was good for any thing, from one end of Ireland to the other, who was not bodily at Ennis, must have been there in spirit ; and that his heart must have burnt within him whilst yet communing on the way. These late resisting millions are hurrying on to seven. To their numbers, every year is adding an equal progress in intelligence and wealth : half a million of Catholic children are now in course of education, and a great portion of

available resources are getting into Catholic hands. Their wealth makes them more sensible of the value of the object, as well as more qualified to attain it. Their intelligence convinces them of the clearness and sacredness of the right. They further know that all Europe is confederate in one general protestation, denouncing us as tyrannical and unjust—themselves as degraded and enslaved. They know, that without exception, every English minister, in proportion as he has approached the genius of a statesman, not a clerk, has declared, that the restitution of these rights was politic and even necessary. They know that all liberal-minded men in English society, not only deem it safe and reasonable, but demand it as the great national security of the age. They know that their commanders of the forces, and their Lord Lieutenants, one after another, have ‘come to scoff, and ‘stayed to pray’ on this great subject. For ourselves, we should be ashamed of every throb by which we have ever sympathized, either as schoolboys or as men, in the struggles of Greece or Italy, whether of ancient or modern times; we should, like Burke, suspect ourselves of some base theatrical delusion, had we justice and enthusiasm only for the closet and the stage of history, but could regard the actual misfortunes of brave nations and brave men with Christian meekness and forbearance.

These are difficulties which no negotiation could have reduced, as long as the great principle was denied. Hampden was quite as likely to have recognised ship-money, and paid his shilling. No tax presses so hard as that on conscience; and our waiting gentlewomen are mistaken, who imagine that a duty on religious liberty is not a more stirring matter than a duty on a pound of tea. Yet Chatham could cry even then, ‘I ‘rejoice America has resisted; three millions of men consenting ‘to be slaves, would be fit instruments to make slaves of all the ‘rest.’ Considerations like these would obtain a hearing even in Bedlam. In the anticipation and prevention of such evils, the very object of the institution of a government consists. There is one danger, immediate and paramount. In the face of it, to talk to the Duke of Wellington about the Pope, is to seek to frighten him with ghost stories the morning that Waterloo is to be fought; it is watching the shadows that are cast by the smallest hair, and not noticing the gloom of an impending and rifted rock. To be squabbling about securities, in a thing which is itself the great security, is to be busy repairing a mosquito net when the lava of Vesuvius is within a few inches of our homes.

Such was the crisis when the Duke providentially rode up. No other umpire could unite so many titles to the confidence of all

parties. Had he failed, nothing would have been left for it but despair; since, in that event, all hope of Parliamentary arrangement must be for ever at an end. Our prophets could then want no further motto for their new Jerusalem than, ‘O thou ‘that stonest them that are sent unto thee; if thou hadst known, ‘even thou at least in this thy day, the things that belong ‘unto thy peace!’ There is only one ‘Book of Martyrs’ really applicable to this question: and it is ennobled with the names of the most faithful of our public servants, who have successively offered themselves up as sacrifices to their country and to truth. It would have been a perpetual infamy had the conqueror of a hundred fights lived to be worsted before this wretched household Dagon. But he could not fail. ‘His Majesty’s Opposition’ rejoice to see ‘their thunder’ pass into his illustrious hands; they have cheered him on to this bloodless Waterloo; and have put upon his head the civic crown worthy to be worn by one, who has saved his country, in spite of the madness of fanatics and the unprincipledness of party.

Misgovernment would not be half the evil that it really is, if you could get rid of its bad effects at a moment’s notice. There must be at least a century’s work in Ireland for our political economists, whose hands were tied until this Bill had become the law. But when we look on the state of the English population at the time of Edward VI. (for example, see Latimer’s Sermons), and that of Scotland, as represented a hundred years afterwards by Fletcher, we need not fear. The fever once subdued, the physicians will be able to see their way.

This Act has, in one hour, expunged the national debt of hatred which had been so long accumulating against us, and which was worse than one of three per cents. Seven millions of injured countrymen were a more formidable antagonist even than the 8, with the eight succeeding ciphers, which is so awfully arranged against us. Amenders of our law have done well indeed to tear out of the statute-book the waste paper which embarrassed the Custom-house and the Old Bailey. But there was no encumbrance so great, no subtleties so disgraceful, no consequences so appalling, as hoarding up the follies and the passions of former times. Even Lord Eldon will live to see that his king O’Connell has lost the crown of Ireland, and it is again on the head of George IV. We have taken off our standing premium on faction, and given loyalty its due and honourable encouragements. A Roman Catholic will no longer get more by his faults than by his virtues, or be bound to a litigious obedience in his own defence. We no more insist upon his qualifying by political indiscretions, before he can become a member of our Magdalen Asy-

lum. The threatening and wasting fire that broke from out the clouds of the Catholic Association, will make the warmth and ornament of our household hearth; and Catholic orators will as freely shed their blood in metaphor at Westminster, as their brethren have already done, after their own more popish and jesuitical fashion, at Waterloo and Trafalgar. This might be called a Bill to remove the exclusion of English capital from Ireland, which will now flow in to cheaper labour, and lay the first security for the improvement of the people, through their employment, by means more advantageous than any Poor Laws. Protestant families, of the middling class, will not be driven to emigration by a pressure, and by an atmosphere, which they dare not stand. It is a safety-lamp for their neighbourhood. The position between landlord and peasant must assume quite another character; and residence among their tenantry is more likely to be promoted by the reciprocal feelings of this new alliance, than by any acts against absentees. It will be henceforth a matter of indifference what is the creed of any juryman. One law for the rich, and another for the poor, will soon be a thing as incredible as among ourselves. We need no more alternate between the rival dangers of Ireland's strength or Ireland's misery. That withered arm of the empire is restored to health and vigour. Her prosperity is now all ours. We shall feel it in the Budget, when Irish taxation pours in its supplies. We shall feel it in the release of those numerous regiments that have stood sentinel over our prisoner. We shall feel it in the respectful caution of those Continental Courts which have lately trespassed on our divisions, and defied our weakness. To foreign Protestants it is a cup of peace—to foreign despots, one of wormwood.

The domestic moral of this great event should be a warning to leaders in party polities not to trifle with great subjects, and, by putting off the day of reckoning for a time, accommodate their own convenience or their private jealousies at a nation's risk. It should teach a rising generation to emancipate itself betimes from those traditional prejudices, which stand in the way of great living interests, and of the necessities of their age. Above all, as long as the sun and moon endure, it should, amidst evil days and evil tongues, encourage the Abdiels of polities to press on, in straightforwardness of heart and purpose, to the substantiating of those principles of civil and religious freedom, whose ultimate success repays all sacrifices, and is our exceeding great reward.

In point of fact, we have always felt that this might be much more properly called ‘the Irish’ than the ‘Roman Catholic’ question. The disqualification was National in its spirit, though Religious in its form. The temper with which it has been re-

ceived in Ireland, is the sure pledge that it will successfully execute its great object—the public peace. The very promise of justice has already bound up the wounds of that long-bleeding country, and is uniting her citizens within herself. The rest will soon follow. Ere long, there will be no Irish Channel—or at least one no wider than the Tweed. This is the real year from which the Irish Union ought to run. It has existed hitherto only on paper. The national feeling, which dwelt under the ‘Union in partition,’ was as distinct as though the act had been literally repealed; and could not but remain so, till the happy day of conciliation and equality should arrive. The padlock on the rolls of Parliament was nothing, without a padlock on the mind. The pleasures of ascendancy and affection could never have been combined; since nations can escape as little as individuals from the gracious condition, by which the human heart is brought into obedience, and its service made perfect freedom. Like Theseus, we had a fancy for an Amazon as a bride; and both parties, it may be hoped, will learn from him, that Heaven can secure the happiness of such a marriage upon no other terms, than that of our agreeing to recollect acts of kindness only, and forgetting whatever blows have passed before we went to church

I wo'd thee with my sword,  
And won thy love, doing thee injuries :  
But I will wed thee in another key,  
With pomp, with triumph, and with revelry.

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We now close for ever, and with unspeakable satisfaction, our long labours on the Catholic Question. But before finally leaving the subject, we must be indulged with a parting observation on the singular and most meritorious conduct of the two great Parties in the state—the Government and the Whig Opposition—in the happy settlement of this great question. Among the many peculiarities which distinguish this memorable passage of our history, it is eminently deserving of remark, that it is almost the only recent instance in which the Government has manfully insisted upon a great liberal measure, against the wishes of many of those by whom it was generally supported, and who rested their opposition upon the precise ground of liberality—while it presented, on the other hand, one of the most conspicuous instances in which the Opposition magnanimously renounced all party feelings and interests, and not only

concurred heartily with those to whom they were habitually opposed, and by whom they were excluded from power, in carrying through this great work of national pacification; but scrupled not to ensure its safety by sacrifices that might seem to touch, not only upon the prejudices but the principles of their party, and thus tend in some respects to compromise their character for consistency.

The singular merit of this conduct upon both sides, has attracted, we think, rather less attention than it deserved;—and, as its chief title to praise is founded on the noble disdain which it indicates of the obloquy it was sure to provoke, we feel called on the more indispensably to offer our humble tribute of applause, with the same ungrudging and impartial cordiality which marked the services that called it forth.

And first, as to the leading persons in his Majesty's Government, it should ever be remembered to their honour, not only that, when once resolved on the great measure of Emancipation, they granted it in the true spirit of generous and confiding magnanimity, but that they pursued and carried it through at the manifest peril, not merely of their credit with their own party, but of their continuance in power. This latter hazard, we are aware, has been stoutly denied; but nothing, we conceive, can be more certain and indisputable.

It is sometimes said, and not untruly, that the lookers on see more of the game than they who play it. But then they must be near enough to look on; and those assuredly were not within sight, who cried out that ‘the Duke ran no risk of breaking ‘up his Government, and made no sacrifice—for what had he ‘to fear?’ Such happy fearlessness, we know, is common enough in those who are far from the hazard. It is very easy to say, ‘Only let the Minister put himself in the power of the Opposition, and he has nothing to dread; only let him trust the ‘patriotism of his political adversaries,—their consistency and ‘attachment to principles so often avowed,—and he is safe.’ We certainly think he was safe, and the event has proved it; but we are equally clear, that a politician might well have been excused for doubting whether any party could be found capable of acting with so pure a devotion to their principles, as never even to think of seizing the opportunity which seemed to present itself, of breaking up the Government, and putting some other in its stead. They who affected to hold cheap such risks were also the loudest in their cry, that it was unworthy to yield any thing, from an apprehension of civil war; and they brought down upon themselves that memorable rebuke, so gracefully bestowed by him, who was not more eloquently than truly said ‘to be covered with the blood of a hundred battles,

‘ and the laurels of as many victories,’\*—and so fresh in every man’s recollection, as to spare us the ungrateful office of marring by repeating it. But let us ask the cavillers, if they really think a man at the head of the Government likes to place his continuance in power at the mercy of others? Suppose the Whig friends of the Catholic question had been influenced only by selfish and factious views, and more anxious for a triumph to their party than the success of their principles, what more easy than to have accomplished the object of flinging the Government into confusion, without exposing themselves to the charge of inconsistency, or even of violence; nay, as it did happen, with the certainty of gaining new credit for consistency and honour? It was not at all necessary to do any thing so monstrous as join the Anti-Catholic party in opposing the Relief Bill; or even (what we dare to say would have been done by other men, and in worse times) in carping at the details of the measure. They might have given it their hearty support, and only opposed the Disfranchisement. What would have been the consequence? The enemies of emancipation would have joined in this opposition, with but a few exceptions; and the measure would either have been thrown out, and the Relief Bill also been withdrawn; or both must have been carried with the whole odium of the disfranchisement resting on the head of the Government, and spoiling the effect of the concessions. The strong probability, however, is, that both would have been lost: And then the friends of emancipation would have saved, nay, raised, their character for consistency, while they broke up the government of their former antagonists, who had explicitly declared that the concessions were become absolutely necessary.

Such was the risk to which the Duke of Wellington, in the honest and manly discharge of his duty, exposed himself; and it is not saying more than strict justice requires, if we add, that the entire confidence with which he was met by the other side, was an ample, but most merited reward. For there seemed even an extreme delicacy on the part of the old advocates of the question; as if they were afraid of appearing to take too forward a part in maintaining it, lest they might encroach upon the praises due to those who were carrying it through. Accordingly, in the House of Commons, where there was no adversary to meet, they took scarcely any part in the debate; leaving the defence of the measure, as they well might, in the hands of those who propounded it with such signal ability; and it was only in the

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\* Lord Grey’s speech, in which, by common consent, he appears to have excelled all others and himself.

Lords, where the opposition from high authority, both ecclesiastical and legal, and distinguished talents, as well as learning, assumed a formidable aspect, that the friends of religious liberty recognised their tried and veteran supporters.

In commenting upon the invidious remarks to which the conduct of the Ministers was exposed, we have been led to make mention of that pursued by their adversaries—perhaps we should rather say, those who had been their adversaries. But where all are praiseworthy, there may be some peculiarly entitled to admiration; and we doubt if at this moment there is any one so blinded by party prejudice, as not to reflect with feelings of heartfelt respect upon the course followed by Lord Grey in reference to this great question. He sacrificed power in 1807, with his colleagues Lords Grenville, Lansdown, Holland, &c., and was made the object of a religious and political outcry, which, having driven him from office, deprived him also of his seat for his native county. Those who succeeded upon the clamours thus raised, (some of them all the while friends of emancipation,\*) carried silently a few years after the very measure for which they had cried him down. For no other reason than his attachment to this great question has he been, during by far the greater portion of his life, excluded from the service of the state. He now sees it brought forward by his adversaries; and he hastens to lend them, in completing the work, an aid as hearty and zealous as it is brilliant and decisive. Yet we doubt not there are, who still go on with the cuckoo note, that all politicians are alike, and there is no virtue in public men!

The debate in the Lords, for the reason above given, excited most interest; and few things connected with it were more calculated to produce an impression both within doors and without, than the manly and eloquent speech of Dr Lloyd, the Bishop of Oxford. He did not disguise from his hearers the leaning of his own opinion, nor affect to say that he would not have preferred maintaining the law as it stood; but he admitted that things had now reached a point which rendered the alteration no longer a matter of choice. He triumphantly exposed the folly of those who regard the question as one of a spiritual, or merely religious nature—a matter of theological faith or

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\* Of these several have since made ample atonement to the cause. Witness the important efforts of Mr Canning for so many years, and in so many ways. On this last occasion, too, a speech of the very highest ability was delivered by Lord Palmerston, of which the sense was worthy of his great ancestor, Temple, and the eloquence superior.

dogma. He demonstrated (and here he was ably followed by Bishop Coplestone) that it is a political question, to be tried like all others by the test of expediency, and that the interests of the Established Church require the prudent yielding to the necessities of the times. Among the circumstances prominently enumerated by Bishop Lloyd, as rendering it impossible much longer to delay concession, was the fact, which he deemed undeniable, of all the *young* men who possess any weight, from their station, their capacity, or their acquirements, almost without exception, being ranged on the side of Emancipation. The speech of the learned and able prelate is said to have produced a very powerful impression on the House; and the pains unavailingly taken by the enemies of the measure, in its subsequent stages, to make head against him, sufficiently attest the efficacy of his exertions.

To the protection of a zeal so judicious, and of such eminent and useful talents, the Establishment may in all safety be committed; but it must not be supposed that those venerable prelates, who espoused the opposite side of the argument, were without exception deficient in moderation and sagacity. The opposition given to the bill by the Archbishop of York, was remarkable for its candour and good sense; and the Bishop of London, though he resisted it somewhat more strenuously, expressed his hopes, that when carried, it would produce peace in the Church, and his resolute determination to employ all his influence in furthering the final settlement of differences, so greatly to be desired by the friends of all our institutions.

In human affairs there is no unmixed good. The picture, on the lighter parts of which we have been dwelling, has its shades; perhaps there is even a reverse which it might be our duty to look upon. But the present is no time for such prying; and the friends of the great cause, now crowned with full success, ought not at this moment to be in the vein for any but pleasing contemplations.

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**EDINBURGH REVIEW.**

JUNE, 1829.

No. **XCVIII.**

ART. I.—*The Westminster Review.* No. XXI. Article XVI.  
*Edinburgh Review.* No. XCVII. Article on Mill's Essays on  
Government, &c.

WE have had great reason, we think, to be gratified by the success of our late attack on the Utilitarians. We could publish a long list of the cures which it has wrought, in cases previously considered as hopeless. Delicacy forbids us to divulge names; but we cannot refrain from alluding to two remarkable instances.—A respectable lady writes to inform us, that her son, who was plucked at Cambridge last January, has not been heard to call Sir James Mackintosh a poor ignorant fool more than twice since the appearance of our article. A distinguished political writer in the Westminster and Parliamentary Reviews has borrowed Hume's History, and has actually got as far as the battle of Agincourt. He assures us that he takes great pleasure in his new study, and that he is very impatient to learn how Scotland and England became one kingdom. But the greatest compliment that we have received is, that Mr Bentham himself should have condescended to take the field in defence of Mr Mill. We have not been in the habit of reviewing Reviews; but as Mr Bentham is a truly great man, and as his party have thought fit to announce in puffs and placards that this article is written by him, and contains not only an answer to our attacks, but a developement of the 'greatest happiness principle,' with the latest improvements of the author, we shall for once depart from our general rule. However the conflict may terminate, we shall at least not have been vanquished by an ignoble hand.

Of Mr Bentham himself, we shall endeavour, even while defending ourselves against his reproaches, to speak with the respect to which his venerable age, his genius, and his public services entitle him. If any harsh expression should escape us, we trust that he will attribute it to inadvertence, to the momentary warmth of controversy,—to any thing, in short, rather than to a design of affronting him. Though we have nothing in common with the crew of Huds and Boswells, who, either from interested motives, or from the habit of intellectual servility and dependence, pamper and vitiate his appetite with the noxious sweetness of their undiscerning praise, we are not perhaps less competent than they to appreciate his merit, or less sincerely disposed to acknowledge it. Though we may sometimes think his reasonings on moral and political questions feeble and sophistical—though we may sometimes smile at his extraordinary language—we can never be weary of admiring the amplitude of his comprehension, the keenness of his penetration, the exuberant fertility with which his mind pours forth arguments and illustrations. However sharply he may speak of us, we can never cease to revere in him the father of the philosophy of Jurisprudence. He has a full right to all the privileges of a great inventor; and, in our court of criticism, those privileges will never be pleaded in vain. But they are limited in the same manner in which, fortunately for the ends of justice, the privileges of the peerage are now limited. The advantage is personal and incommunicable. A nobleman can now no longer cover with his protection every lackey who follows his heels, or every bully who draws in his quarrel; and, highly as we respect the exalted rank which Mr Bentham holds among the writers of our time, yet when, for the due maintenance of literary police, we shall think it necessary to confute sophists, or to bring pretenders to shame, we shall not depart from the ordinary course of our proceedings because the offenders call themselves Benthamites.

Whether Mr Mill has much reason to thank Mr Bentham for undertaking his defence, our readers, when they have finished this article, will perhaps be inclined to doubt. Great as Mr Bentham's talents are, he has, we think, shown an undue confidence in them. He should have considered how dangerous it is for any man, however eloquent and ingenious he may be, to attack or to defend a book without reading it: And we feel quite convinced that Mr Bentham would never have written the article before us, if he had, before he began, perused our review with attention, and compared it with Mr Mill's Essay.

He has utterly mistaken our object and meaning. He seems

to think that we have undertaken to set up some theory of government in opposition to that of Mr Mill. But we distinctly disclaimed any such design. From the beginning to the end of our article, there is not, as far as we remember, a single sentence which, when fairly construed, can be considered as indicating any such design. If such an expression can be found, it has been dropped by inadvertence. Our object was to prove, not that monarchy and aristocracy are good, but that Mr Mill had not proved them to be bad; not that democracy is bad, but that Mr Mill had not proved it to be good. The points in issue are these, Whether the famous Essay on Government be, as it has been called, a perfect solution of the great political problem, or a series of sophisms and blunders; and whether the sect which, while it glories in the precision of its logic, extols this Essay as a masterpiece of demonstration, be a sect deserving of the respect or of the derision of mankind. These, we say, are the issues; and on these we with full confidence put ourselves on the country.

It is not necessary, for the purposes of this investigation, that we should state what our political creed is, or whether we have any political creed at all. A man who cannot act the most trivial part in a farce has a right to hiss Romeo Coates—a man who does not know a vein from an artery may caution a simple neighbour against the advertisements of Doctor Eady. A complete theory of government would indeed be a noble present to mankind; but it is a present which we do not hope, and do not pretend, that we can offer. If, however, we cannot lay the foundation, it is something to clear away the rubbish—if we cannot set up truth, it is something to pull down error. Even if the subjects of which the Utilitarians treat were subjects of less fearful importance, we should think it no small service to the cause of good sense and good taste, to point out the contrast between their magnificent pretensions and their miserable performances. Some of them have, however, thought fit to display their ingenuity on questions of the most momentous kind, and on questions concerning which men cannot reason ill with impunity. We think it, under these circumstances, an absolute duty to expose the fallacy of their arguments. It is no matter of pride or of pleasure. To read their works, is the most soporific employment that we know; and a man ought no more to be proud of refuting them, than of having two legs. We must now come to close quarters with Mr Bentham, whom, we need not say, we do not mean to include in this observation. He charges us with maintaining,—

‘First, “that it is not true that all despots govern ill;”—whereon

the world is in a mistake, and the Whigs have the true light. And for proof, principally,—that the King of Denmark is not Caligula. To which the answer is, that the King of Denmark is not a despot. He was put in his present situation, by the people turning the scale in his favour, in a balanced contest between himself and the nobility. And it is quite clear that the same power would turn the scale the other way, the moment a King of Denmark should take into his head to be Caligula. It is of little consequence by what congeries of letters the Majesty of Denmark is typified in the royal press of Copenhagen, while the real fact is, that the sword of the people is suspended over his head in case of ill-behaviour, as effectually as in other countries where more noise is made upon the subject. Every body believes the sovereign of Denmark to be a good and virtuous gentleman; but there is no more superhuman merit in his being so, than in the case of a rural squire who does not shoot his land-steward, or quarter his wife with his yeomanry sabre.

'It is true that there are partial exceptions to the rule, that all men use power as badly as they dare. There may have been such things as amiable negro-drivers and sentimental masters of press-gangs; and here and there, among the odd freaks of human nature, there may have been specimens of men who were "No tyrants, though bred up to tyranny." But it would be as wise to recommend wolves for nurses at the Foundling, on the credit of Romulus and Remus, as to substitute the exception for the general fact, and advise mankind to take to trusting to arbitrary power on the credit of these specimens.'

Now, in the first place, we never cited the case of Denmark to prove that all despots do not govern ill. We cited it to prove that Mr Mill did not know how to reason. Mr Mill gave it as a reason for deducing the theory of government from the general laws of human nature, that the King of Denmark was not Caligula. This we said, and we still say, was absurd.

In the second place, it was not we, but Mr Mill, who said that the King of Denmark was a despot. His words are these:—'The people of Denmark, tired out with the oppression of an aristocracy, resolved that their king should be absolute; and under their absolute monarch are as well governed as any people in Europe.' We leave Mr Bentham to settle with Mr Mill the distinction between a despot and an absolute king.

In the third place, Mr Bentham says, that there was in Denmark a balanced contest between the king and the nobility. We find some difficulty in believing that Mr Bentham seriously means to say this, when we consider that Mr Mill has demonstrated the chance to be as infinity to one against the existence of such a balanced contest.

Fourthly, Mr Bentham says, that in this balanced contest the people turned the scale in favour of the king against the aristocracy. But Mr Mill has demonstrated, that it cannot possibly

be for the interest of the monarchy and democracy to join against the aristocracy; and that wherever the three parties exist, the king and the aristocracy will combine against the people. This, Mr Mill assures us, is as certain as any thing which depends upon human will.

Fifthly, Mr Bentham says, that if the King of Denmark were to oppress his people, the people and nobles would combine against the king. But Mr Mill has proved that it can never be for the interest of the aristocracy to combine with the democracy against the king. It is evidently Mr Bentham's opinion, that 'monarchy, aristocracy, and democracy, may balance each other, and by mutual checks produce good government.' But this is the very theory which Mr Mill pronounces to be the wildest, the most visionary, the most chimerical, ever broached on the subject of government.

We have no dispute on these heads with Mr Bentham. On the contrary, we think his explanation true—or, at least, true in part; and we heartily thank him for lending us his assistance to demolish the *Essay* of his follower. His wit and his sarcasm are sport to us; but they are death to his unhappy disciple.

Mr Bentham seems to imagine that we have said something implying an opinion favourable to despotism. We can scarcely suppose that, as he has not condescended to read that portion of our work which he undertook to answer, he can have bestowed much attention on its general character. Had he done so, he would, we think, scarcely have entertained such a suspicion. Mr Mill asserts, and pretends to prove, that under no despotic government does any human being, except the tools of the sovereign, possess more than the necessaries of life, and that the most intense degree of terror is kept up by constant cruelty. This, we say, is untrue. It is not merely a rule to which there are exceptions: but it is not the rule. Despotism is bad; but it is scarcely anywhere so bad as Mr Mill says that it is everywhere. This, we are sure, Mr Bentham will allow. If a man were to say that five hundred thousand people die every year in London of dram-drinking, he would not assert a proposition more monstrously false than Mr Mill's. Would it be just to charge us with defending intoxication because we might say that such a man was grossly in the wrong?

We say with Mr Bentham that despotism is a bad thing. We say with Mr Bentham that the exceptions do not destroy the authority of the rule. But this we say—that a single exception overthrows an argument, which either does not prove the rule at all, or else proves the rule to be *true without exceptions*; and such an argument is Mr Mill's argument against despotism. In this respect, there is a great difference between rules drawn from

experience, and rules deduced *à priori*. We might believe that there had been a fall of snow last August, and yet not think it likely that there would be snow next August. A single occurrence opposed to our general experience would tell for very little in our calculation of the chances. But if we could once satisfy ourselves that, in *any* single right-angled triangle, the square of the hypotenuse might be less than the squares of the sides, we must reject the forty-seventh proposition of Euclid altogether. We willingly adopt Mr Bentham's lively illustration about the wolf; and we will say, in passing, that it gives us real pleasure to see how little old age has diminished the gaiety of this eminent man. We can assure him that his merriment gives us far more pleasure on his account, than pain on our own. We say with him, Keep the wolf out of the nursery, in spite of the story of Romulus and Remus. But if the shepherd who saw the wolf licking and suckling those famous twins, were, after telling this story to his companions, to assert that it was an infallible rule that no wolf ever had spared, or ever would spare, any living thing which might fall in its way—that its nature was carnivorous—and that it could not possibly disobey its nature, we think that the hearers might have been excused for staring. It may be strange, but is not inconsistent, that a wolf which has eaten ninety-nine children should spare the hundredth. But the fact, that a wolf has once spared a child is sufficient to show that there must be some flaw in a chain of reasoning, purporting to prove that wolves cannot possibly spare children.

Mr Bentham proceeds to attack another position which he conceives us to maintain :—

' Secondly, That a government not under the control of the community (for there is no question upon any other) "may soon be saturated." Tell it not in Bow Street, whisper it not in Hatton Garden—that there is a plan for preventing injustice by "saturation." With what peals of unearthly merriment would Minos, Aeacus, and Rhadamanthus, be aroused upon their benches, if the "light wings of saffron and of blue" should bear this theory into their grim domains! Why do not the owners of pocket-handkerchiefs try to "saturate?" Why does not the cheated publican beg leave to check the gulosity of his defrauder with a *repetatur haustus*, and the pummelled plaintiff neutralize the malice of his adversary, by requesting to have the rest of the beating in presence of the court,—if it is not that such conduct would run counter to all the conclusions of experience, and be the procreation of the mischief it affected to destroy? Woful is the man whose wealth depends on his having more than somebody else can be persuaded to take from him; and woful also is the people that is in such a case!'

Now this is certainly very pleasant writing: But there is

no great difficulty in answering the argument. The real reason which makes it absurd to think of preventing theft by pensioning off thieves is this, that there is no limit to the number of thieves. If there were only a hundred thieves in a place, and we were quite sure that no person not already addicted to theft would take to it, it might become a question, whether to keep the thieves from dishonesty by raising them above distress, would not be a better course than to employ officers against them. But the actual cases are not parallel. Every man who chooses can become a thief; but a man cannot become a king or a member of the aristocracy whenever he chooses. The number of the depredators is limited; and therefore the amount of depredation, so far as physical pleasures are concerned, must be limited also. Now, we made the remark which Mr Bentham censures with reference to physical pleasures only. The pleasures of ostentation, of taste, of revenge, and other pleasures of the same description, have, we distinctly allowed, no limit. Our words are these:—‘A king or an aristocracy may be supplied ‘to satiety with *corporal pleasures*, at an expense which the ‘rudest and poorest community would scarcely feel.’ Does Mr Bentham deny this? If he does, we leave him to Mr Mill. ‘What,’ says that philosopher, in his *Essay on Education*, ‘what ‘are the ordinary pursuits of wealth and power, which kindle to ‘such a height the ardour of mankind? Not the mere love of ‘eating and of drinking, or all the physical objects together which ‘wealth can purchase or power command. With these every ‘man is in the long run speedily satisfied.’ What the difference is between being speedily satisfied and being soon saturated, we leave Mr Bentham and Mr Mill to settle together.

The word ‘saturation,’ however, seems to provoke Mr Bentham’s mirth. It certainly did not strike us as very pure English; but, as Mr Mill used it, we supposed it to be good Benthamese. With the latter language we are not critically acquainted, though, as it has many roots in common with our mother tongue, we can contrive, by the help of a converted Utilitarian, who attends us in the capacity of Moonshee, to make out a little. But Mr Bentham’s authority is of course decisive, and we bow to it.

Mr Bentham next represents us as maintaining,—

‘Thirdly, That “though there may be some tastes and propensities that have no point of saturation, there exists a sufficient check in the desire of the good opinion of others.” The misfortune of this argument is, that no man cares for the good opinion of those he has been accustomed to wrong. If oysters have opinions, it is probable they think very ill of those who eat them in August; but small is the effect upon the autumnal glutton that engulfs their gentle substances with-

in his own. The planter and the slave-driver care just as much about negro opinion, as the epicure about the sentiments of oysters. M. Ude throwing live eels into the fire as a kindly method of divesting them of the unsavoury oil that lodges beneath their skins, is not more convinced of the immense aggregate of good which arises to the lordlier parts of the creation, than is the gentle peer who strips his fellow man of country and of family for a wild-fowl slain. The goodly land-owner, who lives by morsels squeezed indiscriminately from the waxy hands of the cobbler and the polluted ones of the nightman, is in no small degree the object of both hatred and contempt; but it is to be feared that he is a long way from feeling them to be intolerable. The principle of "*At mihi plando ipse domi, simul ac nummos contemplor in arcâ,*" is sufficient to make a wide interval between the opinions of the plaintiff and defendant in such cases. In short, to banish law and leave all plaintiffs to trust to the desire of reputation on the opposite side, would only be transporting the theory of the Whigs from the House of Commons to Westminster Hall.'

Now, in the first place, we never maintained the proposition which Mr Bentham puts into our mouths. We said, and say, that there is a *certain* check to the rapacity and cruelty of men, in their desire of the good opinion of others. We never said that it was sufficient. Let Mr Mill show it to be insufficient. It is enough for us to prove, that there is a set-off against the principle from which Mr Mill deduces the whole theory of government. The balance may be, and, we believe, will be, against despotism and the narrower forms of aristocracy. But what is this to the correctness or incorrectness of Mr Mill's accounts? The question is not, whether the motives which lead rulers to behave ill, are stronger than those which lead them to behave well;—but, whether we ought to form a theory of government by looking *only* at the motives which lead rulers to behave ill, and never noticing those which lead them to behave well.

Absolute rulers, says Mr Bentham, do not care for the good opinion of their subjects; for no man cares for the good opinion of those whom he has been accustomed to wrong. By Mr Bentham's leave, this is a plain begging of the question. The point at issue is this:—Will kings and nobles wrong the people? The argument in favour of kings and nobles is this:—they will not wrong the people, because they care for the good opinion of the people. But this argument Mr Bentham meets thus:—they will not care for the good opinion of the people, because they are accustomed to wrong the people.

Here Mr Mill differs, as usual, from Mr Bentham. 'The greatest princes,' says he, in his *Essay on Education*, 'the most despotical masters of human destiny, when asked what they aim at by their wars and conquests, would answer, if sincere,

'as Frederick of Prussia answered, *pour faire parler de soi* ;— 'to occupy a large space in the admiration of mankind.' Putting Mr Mill's and Mr Bentham's principles together, we might make out very easily that 'the greatest princes, the most despotic masters of human destiny,' would never abuse their power.

A man who has been long accustomed to injure people, must also have been long accustomed to do without their love, and to endure their aversion. Such a man may not miss the pleasure of popularity; for men seldom miss a pleasure which they have long denied themselves. An old tyrant does without popularity, just as an old water-drinker does without wine. But though it is perfectly true that men who, for the good of their health, have long abstained from wine, feel the want of it very little, it would be absurd to infer that men will always abstain from wine, when their health requires that they should do so. And it would be equally absurd to say, because men who have been accustomed to oppress care little for popularity, that men will therefore necessarily prefer the pleasures of oppression to those of popularity.

Then, again, a man may be accustomed to wrong people in one point, and not in another. He may care for their good opinion with regard to one point, and not with regard to another. The Regent Orleans laughed at charges of impiety, libertinism, extravagance, idleness, disgraceful promotions. But the slightest allusion to the charge of poisoning threw him into convulsions. Louis the Fifteenth braved the hatred and contempt of his subjects during many years of the most odious and imbecile mis-government. But when a report was spread that he used human blood for his baths, he was almost driven mad by it. Surely Mr Bentham's position, 'that no man cares for the good opinion of those whom he has been accustomed to wrong,' would be objectionable, as far too sweeping and indiscriminate, even if it did not involve, as in the present case we have shown that it does, a direct begging of the question at issue.

Mr Bentham proceeds :—

'Fourthly, The Edinburgh Reviewers are of opinion, that "it might, with no small plausibility, be maintained, that, in many countries, there are two classes which, in some degree, answer to this description;" [viz.] "that the poor compose the class which government is established to restrain; and the people of some property, the class to which the powers of government may without danger be confided."

'They take great pains, it is true, to say this and not to say it. They shuffle and creep about, to secure a hole to escape at, if "what they do not assert" should be found in any degree inconvenient. A man might waste his life in trying to find out whether the Misses of

the *Edinburgh* mean to say Yes or No in their political coquetry. But whichever way the lovely spinsters may decide, it is diametrically opposed to history and the evidence of facts, that the poor *are* the class whom there is any difficulty in restraining. It is not the poor but the rich, that have a propensity to take the property of other people. There is no instance upon earth of the poor having combined to take away the property of the rich ; and all the instances habitually brought forward in support of it, are gross misrepresentations, founded upon the most necessary acts of self-defence on the part of the most numerous classes. Such a misrepresentation is the common one of the Agrarian law ; which was nothing but an attempt on the part of the Roman people to get back some part of what had been taken from them by undisguised robbery. Such another is the stock example of the French Revolution, appealed to by the *Edinburgh Review* in the actual case. It is utterly untrue that the French Revolution took place because “ the poor began to compare their cottages and salads with the hotels and banquets of the rich ;” it took place because they were robbed of their cottages and salads to support the hotels and banquets of their oppressors. It is utterly untrue that there was either a scramble for property or a general confiscation ; the classes who took part with the foreign invaders lost their property, as they would have done here, and ought to do everywhere. All these are the vulgar errors of the man on the lion’s back,—which the lion will set to rights when he can tell his own story. History is nothing but the relation of the sufferings of the poor from the rich ; except precisely so far as the numerous classes of the community have contrived to keep the virtual power in their hands, or in other words, to establish free governments. If a poor man injures the rich, the law is instantly at his heels ; the injuries of the rich towards the poor are always inflicted *by* the law. And to enable the rich to do this to any extent that may be practicable or prudent, there is clearly one postulate required, which is, that the rich shall make the law.’

This passage is alone sufficient to prove that Mr Bentham has not taken the trouble to read our article from beginning to end. We are quite sure that he would not stoop to misrepresent it. And if he had read it with any attention, he would have perceived that all this coquetry, this hesitation, this Yes and No, this saying and not saying, is simply an exercise of the undeniable right which in controversy belongs to the defensive side—to the side which proposes to establish nothing. The affirmative of the issue and the burden of the proof are with Mr Mill, not with us. We are not bound, perhaps we are not able, to show that the form of government which he recommends is bad. It is quite enough if we can show that he does not prove it to be good. In his proof, among many other flaws, is this—He says, that if men are not inclined to plunder each other, government is unnecessary, and that, if men are so inclined, kings and aristocracy are necessary.

tocracies will plunder the people. Now this, we say, is a fallacy. That *some* men will plunder their neighbours if they can, is a sufficient reason for the existence of governments. But it is not demonstrated that kings and aristocracies will plunder the people, unless it be true that *all* men will plunder their neighbours if they can. Men are placed in very different situations. Some have all the bodily pleasures that they desire, and many other pleasures besides, without plundering any body. Others can scarcely obtain their daily bread without plundering. It may be true, but surely it is not self-evident, that the former class is under as strong temptations to plunder as the latter. Mr Mill was therefore bound to prove it. That he has not proved it, is one of thirty or forty fatal errors in his argument. It is not necessary that we should express an opinion, or even have an opinion on the subject. Perhaps we are in a state of perfect scepticism; but what then? Are we the theory-makers? When we bring before the world a theory of government, it will be time to call upon us to offer proof at every step. At present we stand on our undoubted logical right. We concede nothing, and we deny nothing. We say to the Utilitarian theorists,—When you prove your doctrine, we will believe it, and till you prove it, we will not believe it.

Mr Bentham has quite misunderstood what we said about the French Revolution. We never alluded to that event for the purpose of proving that the poor were inclined to rob the rich. Mr Mill's principles of human nature furnished us with that part of our argument ready-made. We alluded to the French Revolution for the purpose of illustrating the effects which general spoliation produces on society, not for the purpose of showing that general spoliation will take place under a democracy. We allowed distinctly, that in the peculiar circumstances of the French monarchy, the Revolution, though accompanied by a great shock to the institution of property, was a blessing. Surely Mr Bentham will not maintain that the injury produced by the deluge of assignats and by the maximum, fell only on the emigrants,—or that there were not many emigrants who would have staid and lived peaceably under any government, if their persons and property had been secure.

We never said that the French Revolution took place, because the poor began to compare their cottages and salads with the hotels and banquets of the rich. We were not speaking about *the causes* of the Revolution, or thinking about them. This we said, and say, that if a democratic government had been established in France, the poor, when they began to compare their cottages and salads with the hotels and banquets of the rich,

would, on the supposition that Mr Mill's principles are sound, have plundered the rich, and repeated without provocation all the severities and confiscations, which, at the time of the Revolution, were committed with provocation. We say that Mr Mill's favourite form of government would, if his own views of human nature be just, make those violent convulsions and transfers of property which now rarely happen, except, as in the case of the French Revolution, when the people are maddened by oppression, events of annual or biennial occurrence. We gave no opinion of our own. We give none now. We say that this proposition may be proved from Mr Mill's own premises, by steps strictly analogous to those by which he proves monarchy and aristocracy to be bad forms of government. To say this, is not to say that the proposition is true. For we hold both Mr Mill's premises and his deduction to be unsound throughout.

Mr Bentham challenges us to prove from history, that the people will plunder the rich. What does history say to Mr Mill's doctrine, that absolute kings will always plunder their subjects so unmercifully as to leave nothing but a bare subsistence to any except their own creatures? If experience is to be the test, Mr Mill's theory is unsound. If Mr Mill's reasoning *à priori* be sound, the people in a democracy will plunder the rich. Let us use one weight and one measure. Let us not throw history aside when we are proving a theory, and take it up again when we have to refute an objection founded on the principles of that theory.

We have not done, however, with Mr Bentham's charges against us.

' Among other specimens of their ingenuity, they think they embarrass the subject, by asking why, on the principles in question, women should not have votes as well as men. *And why not?*

" Gentle shepherd, tell me why.—"

If the mode of election was what it ought to be, there would be no more difficulty in women voting for a representative in Parliament, than for a director at the India House. The world will find out at some time, that the readiest way to secure justice on some points, is to be just on all;—that the whole is easier to accomplish than the part; and that whenever the camel is driven through the eye of the needle, it would be simple folly and debility that would leave a hoof behind.'

Why, says or sings Mr Bentham, should not women vote? It may seem uncivil in us to turn a deaf ear to his Arcadian warblings. But we submit, with great deference, that it is not *our* business to tell him why. We fully agree with him, that the principle of female suffrage is not so palpably absurd, that a

chain of reasoning ought to be pronounced unsound, merely because it leads to female suffrage. We say that every argument which tells in favour of the universal suffrage of the males, tells equally in favour of female suffrage. Mr Mill, however, wishes to see all men vote, but says that it is unnecessary that women should vote; and for making this distinction, he gives as a reason an assertion which, in the first place, is not true, and which, in the next place, would, if true, overset his whole theory of human nature; namely, that the interest of the women is identical with that of the men. We side with Mr Bentham, so far at least as this, that when we join to drive the camel through the needle, he shall go through hoof and all. We at present desire to be excused from driving the camel. It is Mr Mill who leaves the hoof behind. But we should think it uncourteous to reproach him in the language which Mr Bentham, in the exercise of his paternal authority over the sect, thinks himself entitled to employ.

‘Another of their perverted ingenuities is, that “they are rather inclined to think,” that it would, on the whole, be for the interest of the majority to plunder the rich; and if so, the Utilitarians will say, that the rich *ought* to be plundered. On which it is sufficient to reply, that for the majority to plunder the rich, would amount to a declaration that nobody should be rich; which, as all men wish to be rich, would involve a suicide of hope. And as nobody has shown a fragment of reason why such a proceeding should be for the general happiness, it does not follow that the “Utilitarians” would recommend it. The Edinburgh Reviewers have a waiting gentlewoman’s ideas of “Utilitarianism.” It is unsupported by any thing but the pitiable “We are rather inclined to think”—and is utterly contradicted by the whole course of history and human experience besides,—that there is either danger or possibility of such a consummation as the majority agreeing on the plunder of the rich. There have been instances in human memory, of their agreeing to plunder rich oppressors, rich traitors, rich enemies,—but the rich *simpliciter*, never. It is as true now as in the days of Harrington, that “a people never will, nor ever can, never did, nor ever shall, take up arms for levelling.” All the commotions in the world have been for something else; and “levelling” is brought forward as the blind, to conceal what the other was.’

We say again and again, that we are on the defensive. We do not think it necessary to prove that a quack medicine is poison. Let the vender prove it to be sanative. We do not pretend to show that universal suffrage is an evil. Let its advocates show it to be a good. Mr Mill tells us, that if power be given for short terms to representatives elected by all the males of mature age, it will then be for the interest of those represen-

tatives to promote the greatest happiness of the greatest number. To prove this, it is necessary that he should prove three propositions; first, that the interest of such a representative body will be identical with the interest of the constituent body; secondly, that the interest of the constituent body will be identical with that of the community; thirdly, that the interest of one generation of a community is identical with that of all succeeding generations. The two first propositions Mr Mill attempts to prove, and fails. The last he does not even attempt to prove. We therefore refuse our assent to his conclusions. Is this unreasonable?

We never even dreamed, what Mr Bentham conceives us to have maintained, that it could be for the greatest happiness of mankind, to plunder the rich. But we are 'rather inclined to 'think,' though doubtfully, and with a disposition to yield to conviction, that it may be for the pecuniary interest of the majority of a single generation in a thickly-peopled country to plunder the rich. Why we are inclined to think so we will explain, whenever we send a theory of government to an Encyclopaedia. At present we are bound to say only that we think so, and shall think so, till somebody shows us a reason for thinking otherwise.

Mr Bentham's answer to us is simple assertion. He must not think that we mean any courtesy by meeting it with a simple denial. The fact is, that almost all the governments that have ever existed in the civilized world, have been, in part at least, monarchical and aristocratical. The first government constituted on principles approaching to those which the Utilitarians hold, was, we think, that of the United States. That the poor have never combined to plunder the rich in the governments of the old world, no more proves that they might not combine to plunder the rich under a system of universal suffrage, than the fact, that the English Kings of the House of Brunswick have not been Neros and Domitians, proves that sovereigns may safely be intrusted with absolute power. Of what the people would do in a state of perfect sovereignty, we can judge only by indications, which, though rarely of much moment in themselves, and though always suppressed with little difficulty, are yet of great significance, and resemble those by which our domestic animals sometimes remind us that they are of kin with the fiercest monsters of the forest. It would not be wise to reason from the behaviour of a dog crouching under the lash, which is the case of the Italian people, or from the behaviour of a dog pampered with the best morsels of a plentiful kitchen, which is the case of the people of America, to the behaviour of a wolf, which is nothing but a dog run wild, after a week's fast among

the snows of the Pyrenees. No commotion, says Mr Bentham, was ever really produced by the wish of levelling: the wish has been put forward as a blind; but something else has been the real object. Grant all this. But why has levelling been put forward as a blind in times of commotion, to conceal the real objects of the agitators? Is it with declarations which involve 'a suicide of hope,' that men attempt to allure others? Was famine, pestilence, slavery, ever held out to attract the people? If levelling has been made a pretence for disturbances, the argument against Mr Bentham's doctrine is as strong as if it had been the real object of disturbances.

But the great objection which Mr Bentham makes to our review, still remains to be noticed.

'The pith of the charge against the author of the Essays is, that he has written "an elaborate Treatise on Government," and "deduced the whole science from the assumption of certain propensities of human nature." Now, in the name of Sir Richard Birnie, and all saints, from what else *should* it be deduced? What did ever any body imagine to be the end, object, and design of government *as it ought to be*, but the same operation, on an extended scale, which that meritorious chief magistrate conducts on a limited one at Bow Street; to wit, the preventing one man from injuring another? Imagine, then, that the Whiggery of Bow Street were to rise up against the proposition that their science was to be deduced from "certain propensities of human nature," and thereon were to ratiocinate as follows:—

'How then are we to arrive at just conclusions on a subject so important to the happiness of mankind? Surely by that method, which, in every experimental science to which it has been applied, has signally increased the power and knowledge of our species,—by that method for which our new philosophers would substitute quibbles scarcely worthy of the barbarous respondents and opponents of the middle ages,—by the method of induction,—by observing the present state of the world,—by assiduously studying the history of past ages,—by sifting the evidence of facts,—by carefully combining and contrasting those which are authentic,—by generalizing with judgment and diffidence,—by perpetually bringing the theory which we have constructed, to the test of new facts,—by correcting, or altogether abandoning it, according as those new facts prove it to be partially or fundamentally unsound. Proceeding thus,—patiently, diligently, candidly, we may hope to form a system as far inferior in pretension to that which we have been examining, and as far superior to it in real utility, as the prescriptions of a great physician, varying with every stage of every malady, and with the constitution of every patient, to the pill of the advertising quack, which is to cure all human beings, in all climates, of all diseases."

'Fancy now,—only fancy,—the delivery of these wise words at Bow Street; and think how speedily the practical catchpalls would reply, that all this might be very fine, but as far as they had studied history, the naked story was, after all, that numbers of men had a pro-

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pensity to thieving, and their business was to catch them; that they, too, had been sisters of facts; and, to say the truth, their simple opinion was, that their brethren of the red waistcoat—though they should be sorry to think ill of any man—had somehow contracted a leaning to the other side, and were more bent on puzzling the case for the benefit of the defendants, than on doing the duty of good officers and true. Such would, beyond all doubt, be the sentence passed on such trimmers in the microcosm of Bow Street. It might not absolutely follow that they were in a plot to rob the goldsmiths' shops, or to set fire to the House of Commons; but it would be quite clear that they had got *a feeling*,—that they were in process of siding with the thieves,—and that it was not to them that any man must look, who was anxious that pantries should be safe.'

This is all very witty; but it does not touch us. On the present occasion, we cannot but flatter ourselves that we bear a much greater resemblance to a practical catchpoll, than either Mr Mill or Mr Bentham. It would, to be sure, be very absurd in a magistrate, discussing the arrangements of a police-office, to spout in the style either of our article or Mr Bentham's; but, in substance, he would proceed, if he were a man of sense, exactly as *we* recommend. He would, on being appointed to provide for the security of property in a town, study attentively the state of the town. He would learn at what places, at what times, and under what circumstances, theft and outrage were most frequent. Are the streets, he would ask, most infested with thieves at sunset, or at midnight? Are there any public places of resort which give peculiar facilities to pickpockets? Are there any districts completely inhabited by a lawless population? Which are the flash-houses, and which the shops of receivers? Having made himself master of the facts, he would act accordingly. A strong detachment of officers might be necessary for Petticoat-Lane; another for the pit entrance of Covent-Garden Theatre. Grosvenor Square and Hamilton Place would require little or no protection. Exactly thus should we reason about government. Lombardy is oppressed by tyrants; and constitutional checks, such as may produce security to the people, are required. It is, so to speak, one of the resorts of thieves, and there is great need of police-officers. Denmark resembles one of those respectable streets, in which it is scarcely necessary to station a catchpoll, because the inhabitants would at once join to seize a thief. Yet even in such a street, we should wish to see an officer appear now and then, as his occasional superintendence would render the security more complete. And even Denmark, we think, would be better off under a constitutional form of government.

Mr Mill proceeds like a director of police, who, without asking a single question about the state of his district, should give

his orders thus:—‘ My maxim is, that every man will take what he can. Every man in London would be a thief, but for the thief-takers. This is an undeniable principle of human nature. Some of my predecessors have wasted their time in enquiring about particular pawnbrokers, and particular alehouses. Experience is altogether divided. Of people placed in exactly the same situation, I see that one steals, and that another would sooner burn his hand off. Therefore I trust to the laws of human nature alone, and pronounce all men thieves alike. Let every body, high and low, be watched. Let Townsend take particular care that the Duke of Wellington does not steal the silk handkerchief of the lord in waiting at the levee. A person has lost a watch. Go to Lord Fitzwilliam and search him for it : He is as great a receiver of stolen goods as Ikey Solomons himself. Don’t tell me about his rank, and character, and fortune. He is a man ; and a man does not change his nature when he is called a lord.\* Either men will steal or they will not steal. If they will not, why do I sit here ? If they will, his Lordship must be a thief.’ The Whiggery of Bow Street would perhaps rise up against this wisdom. Would Mr Bentham think that the Whiggery of Bow Street was in the wrong ?

We blamed Mr Mill for deducing his theory of government from the principles of human nature. ‘ In the name of Sir Richard Birnie, and all saints,’ cries Mr Bentham, ‘ from what else should it be deduced ?’ In spite of this solemn adjuration, we shall venture to answer Mr Bentham’s question by another. How does he arrive at those principles of human nature from which he proposes to deduce the science of government ? We think that we may venture to put an answer into his mouth ; for in truth there is but one possible answer. He will say—By experience. But what is the extent of this experience ? Is it an experience which includes experience of the conduct of men intrusted with the powers of government ; or is it exclusive of that experience ? If it includes experience of the manner in which men act when intrusted with the powers of government,

\* “ If Government is founded upon this, as a law of human nature, that a man, if able, will take from others any thing which they have and he desires, it is sufficiently evident that when a man is called a king, he does not change his nature ; so that, when he has power to take what he pleases, he will take what he pleases. To suppose that he will not, is to affirm that government is unnecessary, and that human beings will abstain from injuring one another of their own accord.”—MILL on *Government*.

then those principles of human nature from which the science of government is to be deduced, can only be known after going through that inductive process by which we propose to arrive at the science of government. Our knowledge of human nature, instead of being prior in order to our knowledge of the science of government, will be posterior to it. And it would be correct to say, that by means of the science of government, and of other kindred sciences—the science of education, for example, which falls under exactly the same principle—we arrive at the science of human nature.

If, on the other hand, we are to deduce the theory of government from principles of human nature, in arriving at which principles we have not taken into the account the manner in which men act when invested with the powers of government, then those principles must be defective. They have not been formed by a sufficiently copious induction. We are reasoning from what a man does in one situation, to what he will do in another. Sometimes we may be quite justified in reasoning thus. When we have no means of acquiring information about the particular case before us, we are compelled to resort to cases which bear some resemblance to it. But the most satisfactory course is to obtain information about the particular case; and whenever this can be obtained, it ought to be obtained. When first the yellow fever broke out, a physician might be justified in treating it as he had been accustomed to treat those complaints which, on the whole, had the most symptoms in common with it. But what should we think of a physician who should now tell us that he deduced his treatment of yellow fever from the general theory of pathology? Surely we should ask him, Whether, in constructing his theory of pathology, he had, or had not, taken into the account the facts which had been ascertained respecting the yellow fever? If he had, then it would be more correct to say, that he had arrived at the principles of pathology partly by his experience of cases of yellow fever, than that he had deduced his treatment of yellow fever from the principles of pathology. If he had not, he should not prescribe for us. If we had the yellow fever, we should prefer a man who had never treated any cases but cases of yellow fever, to a man who had walked the hospitals of London and Paris for years, but who knew nothing of our particular disease.

Let Lord Bacon speak for us: ‘*Inductionem censemus eam esse demonstrandi formam, quæ sensum tuetur, et naturam premit, et operibus imminet, ac fere immiscetur. Itaque ordo quoque demonstrandi plane invertitur. Adhuc enim res ita geri consuevit, ut a sensu et particularibus primo loco ad*

‘maxime generalia advoletur, tanquam ad polos fixos, circa quos disputationes vertantur; ab illis coetera, per media, deriventur; viâ certe compendiariâ, sed præcipiti, et ad naturam imperviâ, ad disputationes proclivi et accommodatâ. At, secundum nos, axiomata continenter et gradatim excitantur, ut non, nisi possit tremo loco, ad maxime generalia veniatur.’ Can any words more exactly describe the political reasonings of Mr Mill than those in which Lord Bacon thus describes the logomachies of the schoolmen? Mr Mill springs at once to a general principle of the widest extent, and from that general principle deduces syllogistically every thing which is included in it. We say with Bacon—‘non, nisi postremo loco, ad maxime generalia veniat.’ In the present enquiry, the science of human nature is the ‘maxime generale.’ To this the Utilitarian rushes at once, and from this he deduces a hundred sciences. But the true philosopher, the inductive reasoner, travels up to it slowly, through those hundred sciences, of which the science of government is one.

As we have lying before us that incomparable volume, the noblest and most useful of all the works of the human reason, the Novum Organum, we will transcribe a few lines, in which the Utilitarian philosophy is pourtrayed to the life.

‘Syllogismus ad *principia* scientiarum non adhibetur, ad media axiomata frustra adhibetur, cum sit subtilitati naturae longe impar. Assensum itaque constringit, non res. Syllogismus ex propositionibus constat, propositiones ex verbis, verba notionum tesserae sunt. Itaque si notiones ipsæ, id quod basis rei est, confusæ sint, et temere a rebus abstractæ, nihil in iis quæ superstruuntur est firmitudinis. Itaque spes est una in Inductione vera. In notionibus nil sani est, nec in Logicis nec in physicis. Non substantia, non qualitas, agere, pati, ipsum esse, bonae notiones sunt; fulto minus grave, leve, densum, tenui, humidum, siccum, generatio, corruptio, attrahere, fugare, elementum, materia, forma, et id genus, sed omnes phantasticæ et male terminatae.’

Substitute for the ‘substantia,’ the ‘generatio,’ the ‘corruptio,’ the ‘elementum,’ the ‘materia’ of the old schoolmen, Mr Mill’s pain, pleasure, interest, power, objects of desire,—and the words of Bacon will seem to suit the current year as well as the beginning of the seventeenth century.

We have now gone through the objections that Mr Bentham makes to our article; and we submit ourselves on all the charges to the judgment of the public.

The rest of Mr Bentham’s article consists of an exposition of the Utilitarian principle, or, as he decrees that it shall be called, the ‘greatest happiness principle.’ He seems to think that we have been assailing it. We never said a syllable against it. We

spoke slightly of the Utilitarian sect, as we thought of them, and think of them; but it was not for holding this doctrine that we blamed them. In attacking them we no more meant to attack the 'greatest happiness principle,' than when we say that Mahometanism is a false religion, we mean to deny the unity of God, which is the first article of the Mahometan creed;—no more than Mr Bentham, when he sneers at the Whigs, means to blame them for denying the divine right of kings. We reasoned throughout our article on the supposition, that the end of government was to produce the greatest happiness to mankind.

Mr Bentham gives an account of the manner in which he arrived at the discovery of the 'greatest happiness principle.' He then proceeds to describe the effects which, as he conceives, that discovery is producing, in language so rhetorical and ardent, that, if it had been written by any other person, a genuine Utilitarian would certainly have thrown down the book in disgust.

'The only rivals of any note to the new principle which were brought forward, were those known by the names of the 'moral sense,' and the 'original contract.' The new principle superseded the first of these, by presenting it with a guide for its decisions; and the other, by making it unnecessary to resort to a remote and imaginary contract, for what was clearly the business of every man and every hour. Throughout the whole horizon of morals and of polities, the consequences were glorious and vast. It might be said without danger of exaggeration, that they who sat in darkness had seen a great light. The mists in which mankind had jostled against each other were swept away, as when the sun of astronomical science arose in the full developement of the principle of gravitation. If the object of legislation was the greatest happiness, *morality* was the promotion of the same end by the conduct of the individual; and by analogy, the happiness of the world was the morality of nations.'

. . . . All the sublime obscurities, which had haunted the mind of man from the first formation of society,—the phantoms whose steps had been on earth, and their heads among the clouds,—marshalled themselves at the sound of this new principle of connexion and of union, and stood a regulated band, where all was order, symmetry, and force. What men had struggled for and bled, while they saw it but as through a glass darkly, was made the object of substantial knowledge and lively apprehension. The bones of sages and of patriots stirred within their tombs, that what they dimly saw and followed, had become the world's common heritage. And the great result was wrought by no supernatural means, nor produced by any unparalleled concatenation of events. It was foretold by no oracles, and ushered by no portents; but was brought about by the quiet and reiterated exercise of God's first gift of common sense.'

Mr Bentham's discovery does not, as we think we shall be able to show, approach in importance to that of gravitation, to which he compares it. At all events, Mr Bentham seems to us to act much as Sir Isaac Newton would have done, if he had gone about boasting that he was the first person who taught brick-layers not to jump off scaffolds and break their legs.

Does Mr Bentham profess to hold out any new motive which may induce men to promote the happiness of the species to which they belong? Not at all. He distinctly admits that, if he is asked why governments should attempt to produce the greatest possible happiness, he can give no answer.

'The real answer,' says he, 'appeared to be, that men at large *ought* not to allow a government to afflict them with more evil or less good than they can help. What a government *ought* to do, is a mysterious and searching question, which those may answer who know what it means; but what other men *ought* to do, is a question of no mystery at all. The word *ought*, if it means any thing, must have reference to some kind of interest or motives: and what interest a government has in doing right, when it happens to be interested in doing wrong, is a question for the school-men. The fact appears to be, that *ought* is not predictable of governments. The question is not why governments are bound not to do this or that, but why *other men* should let them if they can help it. The point is not to determine why the lion should not eat sheep, but why men should eat their own mutton if they can.'

The principle of Mr Bentham, if we understand it, is this, that mankind *ought* to act so as to produce their greatest happiness. The word *ought*, he tells us, has no meaning, unless it be used with reference to some interest. But the interest of a man is synonymous with his greatest happiness:—and therefore to say that a man *ought* to do a thing, is to say that it is for his greatest happiness to do it. And to say that mankind *ought* to act so as to produce their greatest happiness, is to say that the greatest happiness is the greatest happiness—and this is all!

Does Mr Bentham's principle tend to make any man wish for any thing for which he would not have wished, or do any thing which he would not have done, if the principle had never been heard of? If not, it is an utterly useless principle. Now, every man pursues his own happiness or interest—call it which you will. If his happiness coincides with the happiness of the species, then, whether he ever heard of the 'greatest happiness' 'principle' or not, he will, to the best of his knowledge and ability, attempt to produce the greatest happiness of the species. But, if what he thinks his happiness be inconsistent with the greatest happiness of mankind, will this new principle convert him to another frame of mind? Mr Bentham himself allows,

as we have seen, that he can give no reason why a man should promote the greatest happiness of others, if their greatest happiness be inconsistent with what he thinks his own. We should very much like to know how the Utilitarian principle would run, when reduced to one plain imperative proposition. Will it run thus—pursue your own happiness? This is superfluous. Every man pursues it, according to his light, and always has pursued it, and always must pursue it. To say that a man has done any thing, is to say that he thought it for his happiness to do it. Will the principle run thus—pursue the greatest happiness of mankind, whether it be your own greatest happiness or not? This is absurd and impossible, and Mr Bentham himself allows it to be so. But if the principle be not stated in one of these two ways, we cannot imagine how it is to be stated at all. Stated in one of these ways, it is an identical proposition,—true, but utterly barren of consequences. Stated in the other way, it is a contradiction in terms. Mr Bentham has distinctly declined the absurdity. Are we then to suppose that he adopts the truism?

There are thus, it seems, two great truths which the Utilitarian philosophy is to communicate to mankind—two truths which are to produce a revolution in morals, in laws, in governments, in literature, in the whole system of life. The first of these is speculative; the second is practical. The speculative truth is, that the greatest happiness is the greatest happiness. The practical rule is very simple, for it imports merely that men should never omit, when they wish for any thing, to wish for it, or when they do any thing, to do it! It is a great comfort to us to think, that we readily assented to the former of these great doctrines as soon as it was stated to us; and that we have long endeavoured, as far as human frailty would permit, to conform to the latter in our practice. We are, however, inclined to suspect, that the calamities of the human race have been owing less to their not knowing that happiness was happiness, than to their not knowing how to obtain it—less to their neglecting to do what they did, than to their not being able to do what they wished, or not wishing to do what they ought.

Thus frivolous, thus useless is this philosophy,—‘controversiarum ferax, operum effeta, ad garriendum prompta, ad generandum invalida.’\* The humble mechanic who discovers some slight improvement in the construction of safety lamps or steam-vessels, does more for the happiness of mankind than the ‘magnificent principle,’ as Mr Bentham calls it, will do in ten thou-

\* Bacon, *Novum Organum*.

sand years. The mechanic teaches us how we may, in a small degree, be better off than we were. The Utilitarian advises us, with great pomp, to be as well off as we can.

The doctrine of a moral sense may be very unphilosophical, but we do not think that it can be proved to be pernicious. Men did not entertain certain desires and aversions because they believed in a moral sense, but they gave the name of moral sense to a feeling which they found in their minds, however it came there. If they had given it no name at all, it would still have influenced their actions; and it will not be very easy to demonstrate that it has influenced their actions the more, because they have called it the moral sense. The theory of the original contract is a fiction, and a very absurd fiction; but in practice it meant, what the ‘greatest happiness principle,’ if ever it becomes a watchword of political warfare, will mean—that is to say, whatever served the turn of those who used it. Both the one expression and the other sound very well in debating clubs; but in the real conflicts of life, our passions and interests bid them stand aside and know their place. The ‘greatest happiness’ principle has always been latent under the words, social contract, justice, benevolence, patriotism, liberty, and so forth, just as far as it was for the happiness, real or imagined, of those who used these words to promote the greatest happiness of mankind. And of this we may be sure, that the words ‘greatest happiness’ will never, in any man’s mouth, mean more than the greatest happiness of others which is consistent with what he thinks his own. The project of mending a bad world, by teaching people to give new names to old things, reminds us of Walter Shandy’s scheme for compensating the loss of his son’s nose by christening him Trismegistus. What society wants is a new motive—not a new cant. If Mr Bentham can find out any argument yet undiscovered which may induce men to pursue the general happiness, he will indeed be a great benefactor to our species. But those whose happiness is identical with the general happiness, are even now promoting the general happiness to the very best of their power and knowledge; and Mr Bentham himself confesses that he has no means of persuading those whose happiness is not identical with the general happiness, to act upon his principle. Is not this, then, darkening counsel by words without knowledge? If the only fruit of the ‘magnificent principle’ is to be, that the oppressors and pilferers of the next generation are to talk of seeking the greatest happiness of the greatest number, just as the same class of men have talked in our time of seeking to uphold the Protestant Constitution—just as they talked under Anne of seeking the good of the Church, and under Crom-

well of seeking the Lord—where is the gain? Is not every great question already enveloped in a sufficiently dark cloud of unmeaning words? Is it so difficult for a man to cant some one or more of the good old English cants which his father and grandfather canted before him, that he must learn, in the schools of the Utilitarians, a new sleight of tongue, to make fools clap and wise men sneer? Let our countrymen keep their eyes on the neophytes of this sect, and see whether we turn out to be mistaken in the prediction which we now hazard. It will before long be found, we prophesy, that, as the corruption of a dunce is the generation of an Utilitarian, so is the corruption of an Utilitarian the generation of a jobber.

The most elevated station that the ‘greatest happiness principle’ is ever likely to attain is this, that it may be a fashionable phrase among newspaper writers and members of parliament—that it may succeed to the dignity which has been enjoyed by the ‘original contract,’ by the ‘constitution of 1688,’ and other expressions of the same kind. We do not apprehend that it is a less flexible cant than those which have preceded it, or that it will less easily furnish a pretext for any design for which a pretext may be required. The ‘original contract’ meant in the Convention Parliament the co-ordinate authority of the Three Estates. If there were to be a radical insurrection to-morrow, the ‘original contract’ would stand just as well for annual parliaments and universal suffrage. The ‘Glorious Constitution,’ again, has meant every thing in turn: the Habeas Corpus Act, the Suspension of the Habeas Corpus Act, the Test Act, the Repeal of the Test Act. There has not been for many years a single important measure which has not been unconstitutional with its opponents, and which its supporters have not maintained to be agreeable to the true spirit of the constitution. Is it easier to ascertain what is for the greatest happiness of the human race than what is the constitution of England? If not, the ‘greatest happiness principle’ will be what the ‘principles of the constitution’ are, a thing to be appealed to by every body, and understood by every body in the sense which suits him best. It will mean cheap bread, dear bread, free trade, protecting duties, annual parliaments, septennial parliaments, universal suffrage, Old Sarum, trial by jury, martial law—every thing, in short, good, bad, or indifferent, of which any person, from rapacity or from benevolence, chooses to undertake the defence. It will mean six and eight-pence with the attorney, tithes at the rectory, and game-laws at the manor-house. The statute of Uses, in appearance the most sweeping legislative reform in our history, was said to have produced no other effect than that of

adding three words to a conveyance. The universal admission of Mr Bentham's great principle would, as far as we can see, produce no other effect than that those orators who, while waiting for a meaning, gain time (like bankers paying in sixpences during a run) by uttering words that mean nothing, would substitute 'the greatest happiness,' or rather, as the longer phrase, 'the greatest happiness of the greatest number,' for, 'under existing circumstances,'—'now that I am on my legs,'—and 'Mr Speaker, I, for one, am free to say.' In fact, principles of this sort resemble those forms which are sold by law-stationers, with blanks for the names of parties, and for the special circumstances of every case—mere customary headings and conclusions, which are equally at the command of the most honest and of the most unrighteous claimant. It is on the filling up that every thing depends.

The 'greatest happiness principle' of Mr Bentham is included in the Christian morality; and, to our thinking, it is there exhibited in an infinitely more sound and philosophical form, than in the Utilitarian speculations. For in the New Testament it is neither an identical proposition, nor a contradiction in terms; and, as laid down by Mr Bentham, it must be either the one or the other. 'Do as you would be done by: Love your neighbour as yourself;' these are the precepts of Jesus Christ. Understood in an enlarged sense, these precepts are, in fact, a direction to every man to promote the greatest happiness of the greatest number. But this direction would be utterly unmeaning, as it actually is in Mr Bentham's philosophy, unless it were accompanied by a sanction. In the Christian scheme, accordingly, it is accompanied by a sanction of immense force. To a man whose greatest happiness in this world is inconsistent with the greatest happiness of the greatest number, is held out the prospect of an infinite happiness hereafter, from which he excludes himself by wronging his fellow-creatures here.

This is practical philosophy, as practical as that on which penal legislation is founded. A man is told to do something which otherwise he would not do, and is furnished with a new motive for doing it. Mr Bentham has no new motive to furnish his disciples with. He has talents sufficient to effect any thing that can be effected. But to induce men to act without an inducement is too much, even for him. He should reflect that the whole vast world of morals cannot be moved, unless the mover can obtain some stand for his engines beyond it. He acts as Archimedes would have done, if he had attempted to move the earth by a lever fixed on the earth. The action and reaction neutralize each other. The artist labours, and the world

remains at rest. Mr Bentham can only tell us to do something which we have always been doing, and should still have continued to do, if we had never heard of the ‘greatest happiness principle’—or else to do something which we have no conceivable motive for doing, and therefore shall not do. Mr Bentham’s principle is at best no more than the golden rule of the Gospel without its sanction. Whatever evils, therefore, have existed in societies in which the authority of the Gospel is recognised, may, *à fortiori*, as it appears to us, exist in societies in which the Utilitarian principle is recognised. We do not apprehend that it is more difficult for a tyrant or a persecutor to persuade himself and others, that in putting to death those who oppose his power, or differ from his opinions, he is pursuing ‘the greatest ‘happiness,’ than that he is doing as he would be done by. But religion gives him a motive for doing as he would be done by: And Mr Bentham furnishes him with no motive to induce him to promote the general happiness. If, on the other hand, Mr Bentham’s principle mean only that every man should pursue his own greatest happiness, he merely asserts what every body knows, and recommends what every body does.

It is not upon this ‘greatest happiness principle’ that the fame of Mr Bentham will rest. He has not taught people to pursue their own happiness; for that they always did. He has not taught them to promote the happiness of others, at the expense of their own; for that they will not and cannot do. But he has taught them *how*, in some most important points, to promote their own happiness; and if his school had emulated him as successfully in this respect, as in the trick of passing off truisms for discoveries, the name of Benthamite would have been no word for the scoffer. But few of those who consider themselves as in a more especial manner his followers, have any thing in common with him but his faults. The whole science of Jurisprudence is his. He has done much for Political Economy; but we are not aware, that in either department any improvement has been made by members of his sect. He discovered truths; all that *they* have done has been to make those truths unpopular. He investigated the philosophy of law; he could teach them only to snarl at lawyers.

We entertain no apprehensions of danger to the institutions of this country from the Utilitarians. Our fears are of a different kind. We dread the odium and discredit of their alliance. We wish to see a broad and clear line drawn between the judicious friends of practical reform, and a sect which, having derived all its influence from the countenance which they have imprudently bestowed upon it, hates them with the deadly hatred

of ingratitude. There is not, and we firmly believe that there never was, in this country, a party so unpopular. They have already made the science of Political Economy—a science of vast importance to the welfare of nations,—an object of disgust to the majority of the community. The question of Parliamentary Reform will share the same fate, if once an association be formed in the public mind between Reform and Utilitarianism.

We bear no enmity to any member of the sect: and for Mr Bentham, we entertain very high admiration. We know, that among his followers there are some well-intentioned men, and some men of talents: But we cannot say that we think the logic on which they pride themselves likely to improve their heads, or the scheme of morality which they have adopted likely to improve their hearts. Their theory of morals, however, well deserves an article to itself; and perhaps, on some future occasion, we may discuss it more fully than time and space at present allow.

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The preceding article was written, and was actually in types, when a letter from Mr Bentham appeared in the newspapers, importing, that ‘though he had furnished the Westminster Review with some *memoranda* respecting “the greatest happiness principle,” he had nothing to do with the remarks on our former article.’ We are truly happy to find that this illustrious man had so small a share in a performance which, for his sake, we have treated with far greater lenity than it deserved. The mistake, however, does not in the least affect any part of our arguments; and we have therefore thought it unnecessary to cancel or cast anew any of the foregoing pages. Indeed, we are not sorry that the world should see how respectfully we were disposed to treat a great man, even when we considered him as the author of a very weak and very unfair attack on ourselves. We wish, however, to intimate to the actual writer of that attack, that our civilities were intended for the author of the ‘Pleves Judiciaires,’ and the ‘Defence of Usury’—and not for him. We cannot conclude, indeed, without expressing a wish—though we fear it has but little chance of reaching Mr Bentham—that he would endeavour to find better editors for his compositions. If M. Dumont had not been a *rédacteur* of a different description from some of his successors, Mr Bentham would never have attained the distinction of even giving his name to a sect.

ART. II.—*Ireland : Its Evils and their Remedies ; being a Refutation of the Errors of the Emigration Committee, and others touching that Country.* By MICHAEL THOMAS SADLER, Esq. M.P. 8vo. Pp. 414. Lond. 1828.

If Mr Sadler had not got a seat in the House of Commons, we scarcely think we should have been tempted to notice his work on Ireland. Notwithstanding the *piquant* abuse of theorists and theories, the false reasonings and misrepresentations, the self-complacent gratulations, and the appeals made in almost every page to vulgar feelings and prejudices, we doubt whether a hundred copies of this work would ever have been sold, had not the Duke of Newcastle taken the author under his protection. But, from being a manufacturer of linens, Mr Sadler has become, under the auspices of his Grace, a manufacturer of speeches. His orations in favour of Orange ascendancy in Ireland, and in vituperation of the policy of ministers with respect to commerce, secured him the patronage of a numerous and powerful party, anxious, since the defection of their former advocates, to avail themselves of any rumour or appearance of talent. In the estimation of these persons, Mr Sadler's verbose and declamatory harangues passed for choice specimens of senatorial eloquence. And, in addition to these recommendations, it was at last discovered that Mr Sadler had written a book ; that he was no less distinguished as a political philosopher than as an orator ; that he had destroyed all the ‘new-fangled’ doctrines with respect to population, emigration, free trade, and pauperism ; and had proved himself, in the closet, as well as in the House, the great champion of those venerable opinions which had been sanctioned by such experienced statesmen as Eldon and Vansittart, and objected to only by rash and inconsiderate theorists, like Canning, Huskisson, and Peel. The speech and the book of the member for Newark were for three long months the subjects of eternal eulogy with the writers and readers of the Morning Journal and Standard ; and Mr Sadler, *cumulatus omni laude*, was declared to be the only statesman in the House of Commons, and second, indeed, to none, but Lord Eldon himself.

It is seldom, however, that a reputation so suddenly acquired is very durable ; and, if we mistake not, pretty palpable symptoms may already be discovered, that Mr Sadler’s case will be no exception to the common rule. In so far as the speeches of the honourable gentleman are concerned, we believe the opinion of the House and the public is pretty well made up as to their merits ; and, unless he put more of argument and less of cant

into his future harangues, we apprehend he will have to continue to act as reporter for himself. But it is not with the speeches, but with the book of the honourable gentleman, that we have now to deal. It is to it that his friends appeal to prove the vigour of his judgment, and the extent of his learning; and we should be inexcusable if we did not devote a few pages to the examination of a work so vehemently commended.

It is really, however, no easy matter to give an account of this book. It was written, as the author himself tells us, as a *supplement* to a work which, it seems, he is preparing for publication. And, by way of showing that his talent for arrangement is as original as his talent for reasoning, he publishes the supplement first—though it abounds in frequent references to facts and doctrines, said to be stated and proved in the work by which it ought to have been preceded. Perhaps Mr Sadler may think that this is a very appropriate mode of getting up a work on Ireland; and we suppose we must be thankful for what we have got, without enquiring whether the introduction is to follow the supplement or not.

The leading object of the work is to shew, that the theory of population, as laid down by Mr Malthus and others, is entirely false; that there is really no tendency in mankind to increase beyond the means of subsistence; that those who maintain there is such a tendency, impeach the goodness and power of the Deity; and that the true law of population, by which the increase of mankind has been, and still is, in all cases, regulated, is simply this, ‘*The fecundity of human beings, under equal circumstances, varies inversely as their numbers on a given space.*’—*Introd.* (p. 20.)

Such is the revelation made to us by Mr Sadler in the introduction to the present work. Unfortunately, however, the proof of this new doctrine is, as yet, confined to the mere *ipse dixit* of its author. Proofs are, indeed, promised in abundance; but hitherto not one of them is forthcoming. We have tables, drawn up with a great show of elaboration, in which an attempt is made to show, that the increase of population in the different provinces and counties of Ireland is conformable to this law. But, if it be not known to Mr Sadler, it is known to every one else, that the numbers of the inhabitants, and still more their ages, as given in the late Irish census, are not to be depended upon. And it is really astonishing, that the only attempt which this learned author has made at a proof of his theory, should be founded upon computations which are universally admitted to be unworthy of credit. We must, therefore, wait before we pronounce a positive opinion as to the truth or falsehood of the

new doctrine broached by Mr Sadler, until his ‘three large ‘volumes’ on population make their appearance. In the meantime, however, we may very briefly call his attention to one or two statements, to which it may not be amiss for him to advert in his forthcoming work.

His leading proposition, as we have already intimated, is, that under equal circumstances, the ‘fecundity of human beings ‘varies inversely as their numbers on a given space,’ that is, that the prolificness of women, or the number of children to a marriage, diminishes as the population becomes denser. Now, we are really at a loss to determine whether the learned author means to announce this great discovery as that merely of a mysterious and hitherto undiscovered *fact*, of which no other explanation can be given, but that it has pleased God so to order it; or of an unexpected, but natural result of certain physical or moral laws, of the existence of which, the world has always been aware, though it was reserved for Mr Sadler to trace out this effect of their combination. If it was worth while to combat his reasoning, it would be necessary to settle this preliminary question. But to us it appears quite unnecessary; since, upon either supposition, there are innumerable facts, which it will defy Mr Sadler’s sagacity to explain consistently with his proposition. The kingdom of the Netherlands, for example, is one of the most densely peopled countries in the world; and therefore, if Mr Sadler’s theory were true, the intensity of fecundity, or the proportion of births to marriages, ought there to be exceedingly small. But the very reverse is the fact; and while the proportion of births to a marriage does not, in some comparatively ill-peopled countries, exceed 3 or  $3\frac{1}{2}$  to one, it is, at an average of the Netherlands, as high as 4.8 to one; and in East Flanders, which is the most densely peopled province of the kingdom, the proportion is as high as 5.82 to one.\* In the *ci-devant* Venetian provinces, which are also very densely peopled, the births are to the marriages as 5.45 to one: In Savoy, they are as 5.65 to one; and in Portugal, as 5.14 to one. In other countries, however, where the population is far inferior in density, and where, according to Mr Sadler, the intensity of fecundity ought to be much greater, it is, in fact, much less. England is not nearly so populous as the Netherlands, or the *ci-devant* Venetian provinces; and yet the number of births to a marriage in England does not certainly

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\* *Recherches sur la Population, &c. des Pays-Bas*, par M. Quetelet, p. 7. Bruxelles, 1827.

exceed four to one: And it is found that this proportion obtains, at an average, throughout France, a country which is still less densely peopled than England. In Sweden, which is one of the least densely peopled countries in the world, the births are to the marriages only in the ratio of 3.62 to one.\* And in Prussia, which is not nearly so densely peopled as either France or England, the fecundity is in the ratio of  $3\frac{1}{2}$  births to one marriage.† Now, these are not insulated facts, but embrace, in reality, the greater part of the population of Europe; and though Mr Sadler may be able to show that they are nowise inconsistent with his theory, he must excuse us if, in the meantime, we consider it as wholly visionary, and as resting on no better foundation than the vagaries of phrenology, or animal magnetism.

It seems, however, that Mr Sadler had supposed, and not without good reason, that the instance of Ireland would be appealed to by those who dissented from his conclusions, in order to prove that there might be an excess of population in a country, and that this excess would overspread it with want and wretchedness. He therefore set about publishing a supplemental volume, in order to show that the case of Ireland was not only not in contradiction to, but that it really afforded a corroboration of, his theory,—and it is this volume that is now before us.

We must do Mr Sadler the justice to say, that he has not attempted to disguise the difficulties of his task. He does not deny that the population of Ireland had increased from less than three millions in 1785, to nearly seven millions in 1821. Neither does he deny that a very large proportion of the people of Ireland is at present unemployed; that the wages of those who are employed are comparatively small, and that they are sunk in the abyss of poverty. Mr Sadler admits all this; and having done so, he sets about proving that Ireland is not overpeopled, either in reference to what he calls her ‘potential’ or even her ‘actual’ produce. And instead of its being true that the increase of population has contributed to increase the want and wretchedness prevalent in Ireland, he endeavours to show, by an appeal to historical facts, that this wretchedness has diminished according as the population has increased; a circumstance which, he imagines, affords a conclusive proof of the fallacy of the prevailing theories upon the subject. We

\* See an interesting article, *Sur l'Intensité de Fécondité*, by M. de Chateauneuf, in the *Bulletin des Sciences Géographiques*, for January 1827.

† *Hawkins Medical Statistics*, p. 224.

shall make a few observations on each of the topics to which allusion has now been made.

I. First of all, then, Mr Sadler affirms, that Ireland is not overpeopled in reference to her ‘potential produce;’ that is, in reference to the produce which *might* be raised upon her soil, were her agriculture improved, and her bogs and waste lands brought under tillage. This is one of the few assertions made by Mr Sadler, in which we are inclined to agree. We have no doubt that the quantity of food raised in Ireland might be doubled, or even trebled, by the adoption and extension of a better system of cultivation. But what has the mere fact of this capacity to do with the question, whether the country is at present actually overpeopled, or whether it will be overpeopled at any future period? Surely Mr Sadler does not mean to say, that if ten men have ten loaves, and twenty men twenty loaves, the latter will be better off than the former; and yet this is substantially what he would have his readers to infer from his statements. The mere increase of the produce of a country is really of very little importance, in so far, at least, as the *condition* of the people is concerned. If, indeed, the produce raised in Ireland, or any other country, were considerably increased, at the same time that the inhabitants were either not increased at all, or increased in a less proportion, their condition would be changed in both cases for the better, and, in the first case, very much for the better. But it is obvious that the improvement, whatever it might be, would depend wholly on the circumstance of the inhabitants having increased less rapidly than the means of subsistence. Had they increased with the same rapidity, their condition would not have been affected; and had they increased with more rapidity, it would have been changed for the worse. The prosperity and well-being of a country does not, therefore, in any respect, depend on its capacities or potentialities of production, but on the ratio which the supply of food, and other necessary articles, actually produced in it, bears to the number of those among whom it must be divided. The produce raised in a country might be doubled, or it might be diminished in the same proportion; and yet, if the amount of the population varied at the same time to the same extent, and in the same way, no one would be at all affected by the change. Had Mr Sadler been at all aware of this not very recondite principle, the value of his book would have been immeasurably increased, though it would have shrunk into comparatively puny dimensions.

But, says our author, there are, even on the showing of the Emigration Committee, 4,900,000 acres of productive land un-

cultivated in Ireland. A little of the abstracted capital of the country would bring this land into the most luxuriant state; and, he adds, that while such means of improvement are open to us, it is not nature but ‘human institutions’ that are chargeable with the misery which their neglect occasions (p. 7). Now, admitting this statement as to the extent of the uncultivated land to be well founded, how, we beg to enquire, is its cultivation, supposing it were undertaken, to be advantageous to the poor? It is probable that detached portions of these lands may not only be as productive as the worst lands at present under cultivation, but that they may be even more productive; but it would require better proofs than any Mr Sadler has yet produced, to make any man of sense believe that this is generally the case. The bogs and other waste lands of Ireland are not cultivated, merely because it has been found, that, speaking generally, they cannot be cultivated so cheaply as the lands already under tillage. Had it been otherwise, the interest of the owners would assuredly have made them be cultivated. If, then, an attempt were made to force the culture of these inferior soils, it is plain, inasmuch as their produce could not be raised so cheaply as the produce now brought to market, that their cultivators would be in a worse condition; so that this forced or premature cultivation would not be productive of a diminution, but of an increase, of misery. It is true, indeed, and it did not require Mr Sadler to announce the fact, that the gradual and progressive cultivation of the waste lands, occasioned by the gradually increasing demand for the produce of the soil, will increase the demand for labour and the means of subsistence. But, still, it is in this, as in all other cases, certain, that if the population increase in an equal degree, its magnitude only will be enlarged, without the condition of the inhabitants being, in any respect, improved. ‘Other circumstances,’ says Mr Malthus, ‘being the same, it may be affirmed that countries are populous according to the quantity of food they can produce or acquire; and happy according to the liberality with which this food is divided, or the quantity which a day’s labour will purchase. Corn countries are more populous than pasture countries, and rice countries more populous than corn countries—but their happiness does not depend on their being more or less densely peopled, upon their poverty or their riches, their youth or their age, but on the proportion which the population and the food bear to each other.’—(Vol. ii. p. 214.)

II. But, in the second place, Mr Sadler contends that Ireland is not only not overpeopled in reference to her potential produce, but that she is not overpeopled in reference to her actual produce,

'but very much the contrary.' In proof of this assertion, he quotes a passage from a recent work, in which it is said that Ireland exported articles of subsistence in the years 1821, 1822, and 1823, 'to the enormous amount of sixteen millions; 'whilst nearly the whole of the remaining exports, to the amount of upwards of ten millions more, in those three years, 'were composed of the products of the Irish soil.' And he concludes by telling us, that to contend, in the face of such facts as these, that the misery of Ireland is owing to a redundant population, evinces 'a hardihood without parallel;' as the very contrary is thus established by 'absolutely incontrovertible' evidence!—(Pp. 8, 9.)

Notwithstanding the confidence with which these statements are put forth, they will hardly, we should think, impose on any one who has ever reflected a moment on such subjects. They are bottomed entirely on the false assumption, that the means of subsistence in a country are identical with the quantity of food raised in it. But does Mr Sadler require to be told that the poorest individuals must have, in addition to food, clothes, houses, and fuel; and that if their condition be in any degree prosperous, they will besides consume quantities of colonial produce, and enjoy various other accommodations? With respect, again, to the middle and higher classes, food forms a comparatively small portion of their expenditure, and does not, at an average, amount to more than a *fifth* part of the value of the entire products consumed by them. But, with the exception of linen, raw produce is almost the only thing raised in Ireland; so that it is plain she *must* export corn and cattle, in order to obtain manufactured goods, colonial products, teas, wines, and, in short, all the articles, with the exception of mere necessities, required for the use and accommodation of those who are raised above the most abject poverty. And hence it appears that Mr Sadler, and those who agree with him in thinking that Ireland, or any country in the situation of Ireland, is not overpeopled because *she exports corn and cattle*, are in reality contending, that no country can be said to be overpeopled while *there are any rich individuals in it*; or until *every one* has been stripped of every gratification and convenience, and reduced to the narrowest supply of those necessities indispensable to the continuance of mere animal existence. These are singular doctrines certainly to be advocated by the nominee of his Grace of Newcastle, and the champion of the Bishops. But leaving the patrons and the *protégé* to settle these matters among themselves, it is enough for us to know, that so long as corn can be produced cheaper in Ireland than in England, and

so long as the population of Ireland is not *universally* reduced to the level of paupers, so long will she continue to send corn to England. Population in Ireland is most justly said to be redundant, not because every individual is poor and destitute, but because such is unfortunately the case with the great bulk of the people. And, if Mr Sadler had known any thing of the subject which he has undertaken to discuss in so very dogmatical a tone, he would have known, that any improvement in the condition of the Irish people which should give them a greater command over the conveniences and enjoyments of human life, must occasion a still greater exportation of raw produce from Ireland. The people, becoming more wealthy, would have a greater demand for the manufactures and products of this and other countries; and to obtain these, they would necessarily export a greater quantity of corn and cattle, or of those articles which they can produce cheaper than others.

Nothing, therefore, can be more palpably false than to affirm that a country which exports food cannot be overpeopled. It might be true to say of such a country, that all her inhabitants were not paupers; that there were some among them who had a taste for foreign commodities, and the means of paying for them. But it might still be true, and it unfortunately is so in the case of Ireland, that the population was in excess; and that, consequently, the labouring classes were neither fully employed, nor earned wages sufficient to maintain them in a state of comfort.

As might be expected, Mr Sadler is loud and long in his cry about the evils of absenteeism; and he would have us believe, that the exports of corn and cattle from Ireland are chiefly on account of absentees. But he thinks worse of his readers than we do, if he imagines that they can be imposed upon by such contradictory nonsense. It is not very easy, owing to the free intercourse that is now established between both divisions of the empire, to obtain an accurate account of their reciprocal imports and exports. But it appears from the official accounts, that the declared or real value of British produce and manufactures imported into Ireland in 1815, amounted to £4,412,015; and in 1819 and 1820 it amounted, at an average, to £3,700,000. Now the intercourse between the two countries has increased greatly since that period; and if we estimate the value of British produce and manufactures at present sent to Ireland at £5,000,000 a-year, we shall, most probably, be within the mark. In addition to the above, Ireland imports, exclusive of tea and other foreign articles obtained at second-hand from Britain, foreign products, the gross customs duty on which amounted, in 1828, to £1,505,044; and the prime cost of which may be moderately

estimated, notwithstanding the heavy duties on sugar, tobacco, and a few other articles, at from two to three millions. Thus, it appears, that British and foreign produce, of the value, on the most moderate estimate, of not less than from **SEVEN** to **EIGHT MILLIONS**, is annually imported into Ireland. Four-fifths and upwards of the corn, cattle, linen, and other products sent from Ireland, must therefore be exported to pay for these imports. And, as we have already stated, they will continue to be exported, notwithstanding Mr Sadler's diatribes, until the curse of poverty has fallen upon every individual in the country; and no one can be found able to buy British cloth or hardware, or sugar, tea, tobacco, or wine.

We shall not now stop to restate any of the arguments we formerly stated with respect to absenteeism. It is, at all events, reserved for some one else than Mr Sadler to show that they are false. He will not do this by stringing together centos of quotations from those who are no better informed than himself, or by telling us that 'the infection of cruel selfishness is to be traced to absentees.' But granting to Mr Sadler, what we have just seen cannot be granted, that a large proportion of the corn and cattle sent from Ireland is to be viewed as a remittance to absentees, does he really imagine that, in the event of the absentees being obliged to return home, these exports would be materially lessened? Suppose the Dukes of Devonshire and Leinster, the Marquis of Hertford, and Lord Fitzwilliam, were in future to reside in Ireland, would these noblemen, by merely crossing the channel, lose all relish for those conveniences and luxuries on which so large a part of their incomes were expended while in England? Would they henceforth substitute poteen for burgundy and claret, butter-milk for tea and coffee, and Irish cars for London-built carriages? If Mr Sadler can prevail upon any one to believe that such would be the case, he may then, perhaps, succeed in convincing him that some deduction would be made from the corn and cattle exported from Ireland, by the return of the absentees. Though, when he has done this, a harder task will yet remain for him, namely, to show that Ireland would gain any thing by the change.

But it is unnecessary to pursue Mr Sadler in his attempts to bolster up one absurdity by another. We have seen, that incomparably the largest portion of the exports from Ireland is required to pay her imports of commodities required for the use and consumption of such of her inhabitants as are not sunk in the most abject poverty: and we have further seen, that though all the absentees were to return, the exports, which at present take place on their account, would not be materially

lessened; inasmuch as by far the largest portion of their incomes would still be expended on English manufactured goods and foreign products.

III. We come now, in the *third* place, to Mr Sadler's grand argument. His former statements, he tells us, had completely shaken the prevailing notions with respect to the poverty of the Irish being a consequence of their excessive multiplication; but this, he assures us, 'is to demolish the very remains' of so fallacious, so 'hard-hearted,' and so 'wicked' a doctrine.

Now, the argument, so pompously announced, is shortly this:— In the days of Spencer and Sir William Petty, the population of Ireland was under a million and a half; and 'yet the wretchedness of the inhabitants was more conspicuous then than it is even at present,' when it exceeds *seven* millions. This, according to Mr Sadler, is an irrefragable proof of the hollowness of the modern theory of population; and of the 'ignorance and folly' of those who represent the miseries of Ireland as resulting from the increased number of her inhabitants.

We doubt not, that Mr Sadler thought, when he was penning the paragraphs, the substance of which we have thus shortly condensed, that they were eminently logical and conclusive. But it is very easy to put forth a statement in a logical form, and to urge it vehemently and dogmatically, that is, notwithstanding, essentially false; and such, we apprehend, will be found to be the case with this statement of Mr Sadler. He tells us, that the poverty and misery of the Irish people cannot be occasioned by their numbers being excessive, inasmuch as their poverty and misery were equally conspicuous when the population was less than a fifth of its present amount. But in making this statement, Mr Sadler has evinced what the logicians call an *ignoratio elenchi*, or, in other words, has totally mistaken the question. To make his argument good for any thing, it should have been shown, first, that the population of Ireland, in the days of Sir William Petty, was *not* redundant as compared with the means of subsistence then at the disposal of the people; and, second, that the population has since increased in a less ratio than those means. This, however, Mr Sadler has not attempted to do; and it is quite as well; since the attempt could not possibly have been successful. But though Mr Sadler has, for reasons best known to himself, chosen to overlook the principle, it is not the less certain that the fact, whether the population of a country be, at any given period, excessive or not, depends, as has been already seen, wholly on the ratio which the population bears to the means of subsistence actually existing in it at that period, and not on the amount of those means existing

in it at any previous or subsequent period. Until Mr Sadler successfully controverts this principle, that is, until he shows that whether a man have one loaf or two loaves, is indifferent to him, his ‘demolishing’ argument must really go for nothing. The mere knowledge of the absolute number of people in a country will never enable us to form any accurate opinion whether that country is overpeopled or not. A country may have been over-peopled when it had only one million of inhabitants; while, in consequence of improvements in its agriculture, manufactures, and commerce, it might not, at some subsequent period, be over-peopled with a population of eight or ten millions. Over-population is not, in fact, a consequence merely of the number of inhabitants in a country being great or small; but it is a consequence of their number, whatever it may be, being too great for their supplies of subsistence. We do not think that Ireland is more overpeopled now than in 1672, when Sir William Petty made his survey. But the destitution of the inhabitants, or the very limited command possessed by them over the mere necessities of life, sufficiently proves, that though actually few in number at the period referred to, they were even then too numerous, as compared with the means of subsistence, to allow of their being adequately supplied with food and conveniences; and the destitution in which they still continue involved, shows, conclusively, that though the means of subsistence have been very much increased in the interim, the population has increased in a corresponding, or a nearly corresponding proportion, or, in other words, that Ireland is overpeopled still.

Having thus, as we imagine, ‘demolished,’ to use the phrase of Mr Sadler, the very foundations of his book, it would be useless to dwell at any great length on the superstructure. The fact that Ireland has been, and is, overpeopled, is ‘absolutely incontrovertible.’ Those who expect to be believed, when they affirm the contrary, must show that the inhabitants are fully employed, that the rate of wages is such as to maintain the labouring classes in a comfortable and decent state, and that no industrious and able-bodied individual can be reduced to a state of destitution. When Mr Sadler proves that the people of Ireland are in the condition now mentioned, we shall concede that they are not redundant as compared with the means of subsistence, and the demand for their exertions. But until he has done this, we can place no confidence in his ‘consolatory’ doctrines.

Assuming in the meantime, therefore, or until Mr Sadler, or some one else, has shown the contrary, that the population of Ireland is so redundant as to be not more than half fed and half employed, the important question is, how shall this redundancy

be lessened, and the condition of the people improved ? To lighten the immediate pressure of the evil, the Emigration Committee proposed to carry off and settle in our Transatlantic possessions, such a portion of the unemployed population, as might suffice, by lessening the number of labourers in the market, to raise the rate of wages, and insure the full employment of those who remained. Mr Sadler says, that ' it is hard to acquit those ' who have proposed this notable expedient, of either ignorance ' or cruelty' (p. 70) ; and he unceremoniously designates the members of the Committee, consisting, as it did, of some of the ablest and best informed individuals in the House, as ' political quacks' (p. 70) ; and bestows such other choice epithets on the scheme, as might be expected from one apparently so familiar with the elegancies of Billingsgate oratory. We are afraid, however, that but few of our readers would be indulgent enough to excuse us were we to attempt seriously to refute such ludicrously absurd statements. But if any one be desirous to see a complete confutation and exposure of Mr Sadler's objections to emigration, of his canting ' appeals to nature and God' (p. 80), and his offensive insinuations as to the motives of those who have advocated the principles laid down in the Emigration report, he may consult Mr Wilmot Horton's pamphlet on this subject. Even if we felt disposed to enter at any length on this part of Mr Sadler's book, we could add little to what has been so ably urged by that eloquent and enlightened person. It might be fairly enough contended, though, as we think, erroneously, that it is not practicable to carry on emigration on a very large scale, or on such a scale as materially to lessen the actual redundancy of population. But when the non-employment, squalid poverty, and wretchedness of the Irish poor are universally admitted, it is really farcical to talk of the ' cruelty' and ' atrocity' of encouraging their emigration to Canada or the United States ; countries where labour is in great demand, and where, it is certain, their condition would, in consequence, be signally improved. If there be inhumanity in the case, it is fairly chargeable on those who endeavour to prevail on the poor to continue where there are no means of providing for their comfortable support ; and who, by misrepresenting the objects and motives of those who would improve their condition, by planting them in fertile and unoccupied lands, make them cling to the very poverty of which they are at once the victims and the source.

We have shown, on many former occasions, that the endless subdivision of land that has been long going on in Ireland, occasioned partly by the vicious customs that have obtained in that country, and partly by the defective state of the late law

with respect to the occupancy of farms by tenants, has been the great cause of the excessive increase of population, and, by consequence, of the continued misery of the people. And we cannot forbear congratulating our readers on the check that has at length been given to this most injurious of all practices. Experience seems at last to have taught the landlords, what they might have had sagacity enough to perceive long ago, that by allowing their estates to be continually subdivided amongst the children of the occupiers, they would ultimately be so overburdened with population, that their rents would be entirely swallowed up, and that whatever produce might be extorted from the soil by the beggarly agriculture of such farmers, would be insufficient for their support. In many places this result has actually taken place; and a well-founded conviction that such would everywhere be the case, unless the practice of subdivision were put an end to, led to the passing of the *subletting act*. And notwithstanding the clamour that has been raised against this act, we hesitate not to say, that it is founded on the soundest principles, and that its enforcement will be productive of infinite advantage. It is false to say that it is an engine of oppression on the part of landlords. It is prospective only, and affects no existing contract. It gives, it is true, the landlords a power which, in Ireland at least, they never previously possessed, of preventing their estates from being sublet and subdivided contrary to contract—but that is all. And it admits of demonstration, that the best interests of the country will be most certainly promoted by their resolutely opposing themselves to the further spread of this practice, and exerting themselves to lessen the number of occupiers, and augment the size of farms. The system of manufacturing forty-shilling freeholders, as recently practised in Ireland, contributed powerfully to strengthen and extend the custom of letting small patches of land upon life leases, and opposed a formidable obstacle to the introduction of a better system. On this ground we formerly advocated the policy of raising the qualification; and though the late disfranchising statute had not been coupled with the great measure of emancipation, we think it ought to have been supported, partly and principally because it takes away a powerful temptation to the splitting of farms and multiplication of paupers, and partly because it must tend to place the elective franchise in hands less likely to be mere passive instruments either of the landlords or the priests.

As was to be expected, Mr Sadler is quite outrageous in his abuse of the scheme for clearing estates of their surplus tenants. He declares that 'its cruelty far exceeds that of emigration';

and the landlords who have attempted to consolidate their farms have been denominated, ‘ covetous and insatiable cormorants !’ (p. 96.) Now, though we do not mean to say that instances of hardship and distress may not occasionally take place, in attempting, how considerably soever, to remove the surplus population from an estate, still there are no grounds for supposing that such attempts can ever be very general at any one time. A very inconsiderable proportion indeed of the land of Ireland is held by tenants at will. By far the largest proportion of it is held by tenants having leases for ever, or for a term of years, or for a life or lives. It is obvious, therefore, that though every landlord of Ireland were bent upon clearing his estate, it would be in the power of but very few immediately to carry their intentions into effect; that most of them must wait till their farms fall out of lease; and that many of them will never, owing to their farms being let upon interminable leases, have an opportunity of ‘ driving their tenants.’ It is to no purpose, therefore, that the admirers of the present state of things in Ireland, (for even it has admirers,) endeavour to create a prejudice against the landlords and the subletting act, by telling us that the practice of clearing estates has everywhere commenced, and that it is giving rise to a most appalling mass of wretchedness. The circumstances already mentioned prove that such statements cannot possibly be true. That the process has been commenced upon some estates is admitted; but it is not in the nature of things that it can be attempted in the vast majority of instances.

But although the practice had been introduced to a far greater extent than it either has been or can be, it would not have afforded the shadow of a ground for impeaching its expediency. It would, under such circumstances, indeed, have been the duty of the landlords, and not of them only, but also of government, to interfere to preserve the ejected tenantry from want, and to assist them in emigrating to countries where they might be advantageously settled. But no man of sense would have thought of interfering to prevent the landlords from prosecuting their measures. We repeat it again, that the too great subdivision of the land is the bane and curse of Ireland; and until the land has been cleared of the superfluous tenants, and consolidated into farms capable of being properly managed, she will necessarily continue to be overspread with barbarism and misery. And hence it is obvious, that the object of those who really wish to promote the prosperity of Ireland, ought to be to provide such an outlet for the poor, whether by emigration or otherwise, as would enable every landlord to set vigorously about

clearing his estate the moment he has the opportunity. We do not affect either to conceal or deny the suffering and inconvenience that must result from this operation. But it can only be of very temporary duration, and if proper precautions were taken, it would neither be very severe, nor very widely diffused ; whereas, by allowing the present system to continue unchecked, the misery and degradation of the Irish people will be rendered perpetual, every germ of improvement will be effectually destroyed, and the plague of poverty will be left to affect every individual.

With respect to the remedies which Mr Sadler has proposed for the alleviation of that misery, which even he, though not very consistently, admits exists in Ireland, they are, with one exception, undeserving of any serious attention. The exception to which we allude is the proposal to introduce a compulsory provision for the support of the poor. This subject is confessedly embarrassed with very formidable difficulties ; and means are perhaps still wanting for coming to a perfectly accurate conclusion with respect to it. On the whole, however, we are inclined to approve of the proposal. Most certainly we are not disposed to recommend it for the reasons assigned by Mr Sadler, but for precisely opposite ones. We formerly endeavoured to show, (No. 94, art. 2,) that though, by giving the poor a legal claim for support, you in so far encourage their improvidence, and tempt them, by relying on adventitious assistance, to relax in their industry, and to multiply their numbers beyond the real demand for them, the experience of England has proved, that the efforts of the landlords, and of the wealthier classes of the community, to keep down the rates, more than counterbalance these tendencies ; and have, consequently, restrained the increase of population and pauperism within narrower limits than it would otherwise have attained.

So long as the poor are left to depend on the unconstrained bounty of others, for a resource in periods of exigency, the landlords take comparatively little interest in their situation, in the increase of their numbers, or in the administration of the provision made for them. But the moment the poor acquire a legal claim upon land, and other tangible property, for support, it becomes the obvious interest of every individual possessing property, to see that the funds destined for the support of the poor are properly administered, and to exert himself to prevent their undue increase. It may at present seem immaterial, perhaps, to an Irish landlord, whether he allow a parcel of mud huts to be erected on some neglected portion of his estate ; for he may imagine, that in the event of his afterwards

wishing to pull down these huts, he has only to order their occupiers to quit: But if the mere residence of such persons on his estate for a limited period, gave them and their families a legal claim for support in all time to come, the landlord would, in order to protect himself from this indefinite responsibility, refuse to allow the huts to be erected, or the occupiers to acquire a settlement. To suppose that he should act otherwise, would be to suppose that the protection of his property was indifferent to him. We showed, in the article already referred to, the powerful influence that this principle has had in England; and we have not the least doubt, that had a system of poor laws, similar to that which has been established in England, been established for the same period in Ireland, it would, by giving the landlords and gentry of the country a deep pecuniary interest in the repression of the numbers of the poor, have powerfully tended to prevent that splitting of farms, and excessive increase of the population, that are the prime causes of all the evils of Ireland. At the same time it must be acknowledged, that the question as to the expediency of introducing poor laws, in the present situation of Ireland, when it is so overrun with an unemployed and beggarly population, is very different from the question as to the probable operation of these laws, had they been introduced when the population was comparatively thin. However, we should still be inclined to think, for the reasons now stated, that their introduction would be advantageous, provided there be in Ireland the means of administering them so that they may be made productive of those restraining effects, in which, as it appears to us, their advantage mainly lies; and hence the primary question is, Do means exist in Ireland, or can they be devised, for administering a system of compulsory provision for the poor, so that it could be prevented from becoming a fresh source of improvidence and idleness? If no such means either exist or could be devised, the introduction of poor laws would be a most destructive measure, and would speedily lead to the annihilation of the existing capital of the country. But it is not at all likely that such means could long be wanting. The landowners of the country would immediately perceive that the preservation of their property depended on their being able to devise checks to arrest the torrent of pauperism. Every landlord would then, in pursuing his own obvious interest, set about adopting the most vigorous measures for lessening the present population on his estates, and for preventing its undue extension in future; and he would, of course, be inclined to join with his neighbours in any scheme that might seem best calculated to forward his

object. We do not, we confess, think that it is possible otherwise to root out the inveterate habit of splitting land, or to impress the gentry of that country with a sufficiently strong sense of the mischievous consequences resulting from that practice, and from the too great multiplication of cottagers and occupants. A great deal, no doubt, must depend on the mode of administration; but when it is for the advantage of all persons of property that this mode should be made effectual for the suppression of pauperism, and the repression of population, the fair presumption is, that whatever defects might attach to it in the first instance, would speedily be rectified; and that the whole of the middle and upper classes would be formed into a combination to arrest and diminish the spread of population and beggary.

Such, in a few words, are the principal reasons which lead us to support the proposal, now so much advocated, for introducing poor laws into Ireland. They are, in every respect, the reverse of those assigned by Mr Sadler. Even when he is right, he is right on wrong grounds. The real friends of Ireland approve the introduction of poor laws, because they believe, whether right or wrong, that it would be a powerful means of forwarding the clearing of estates, of stimulating emigration, and, in a word, of promoting all those measures deprecated by Mr Sadler.

Mr Sadler has done us the honour to devote a number of pages to the exposition of a gross blunder into which, he imagines we fell, in an article in the 92d Number of this Journal, in which we endeavoured to enforce the expediency of acting on the plan originally proposed by Mr Hutcheson, of paying off the whole, or a portion, of the public debt, by an assessment on capital. The funded debt of the country at the time (1827), amounted to about 760 millions; and we endeavoured to show, that the capital of the country, exclusive of the debt, might be estimated at 2,330 millions, and that, consequently, an assessment of about twelve per cent would be adequate to pay off half the debt. That it would be so is obvious. The stock-holders are themselves capitalists as much as any description of mortgagees; and if an assessment be ever made for paying off any portion of the public debt, they must contribute to it in the same proportion as others. Suppose, then, that half of the public funded debt, or 380 millions, were to be extinguished, the contribution of the holders of this sum, at twelve per cent, would be L.45,600,000, and the contribution of the holders of the other half, would be as much more, amounting together to L.91,200,000, leaving L.288,800,000 to be provided by an assessment on capital. Mr Sadler, however, very innocently supposes that we assumed that 289 millions was the half

of 760 ; and cackles and claps his wings as much over his fancied detection of this imaginary blunder, as if he had really made some great discovery ; whereas, the only thing worth noticing in the matter, is his own incapacity to perceive that, if a sacrifice for a national object is to be made, mortgagees, as well as every other class, must contribute their fair share.

After all, we would wish to part on friendly terms with Mr Sadler. We believe he is sincerely attached to his opinions ; and that he is a humane and well-intentioned, though not a very profound or clear-sighted person. But we would beg of him to remember, that others may be honest as well as himself ; and that the surgeon who, to preserve the life of his patient, amputates a diseased limb, may be quite as intelligent, and even as humane, as the miss who whines and blubbers, or the more matronly lady who falls into hysterics, at the mere mention of the operation.

ART. III.—*Seven Years of the King's Theatre.* By JOHN EBERS, late Manager of the King's Theatre, in the Hay-market. 8vo. London. Pp. 395.

**T**HREE were at Athens various funds, applicable to public purposes ; one of which, and among the most considerable, was called τὸ Σεωρικὸν, or τὰ Σεωρικὰ, and appropriated for the expenses of sacrifices, processions, festivals, spectacles, and of the Theatres. The citizens were admitted to the theatres for some time gratis ; but in consequence of the disturbances caused by multitudes crowding to get seats, to introduce order, and, as the phrase is, to keep out improper persons, a small sum of money was afterwards demanded for admission. That the poorer classes, however, might not be deprived of their favourite gratification, they received from the treasury, out of this fund, the price of a seat,—and thus peace and regularity were secured, and the fund still applied to its original purpose. The money that was taken at the doors, having served as a ticket, was expended, together with that which had not been used in this manner, to maintain the edifice itself, and to pay the manifold charges of the representation.

It had been enacted by a general law, that in time of war the surplus of every branch of the revenue should be applied to military purposes ; this, of course, included the Σεωρικὸν ; and, moreover, by a particular decree, the whole of that fund was not unfrequently thus appropriated : but as such appropriations

were rather unpopular, and had sometimes been made improperly, it was made a capital offence, on the motion of one Eubulus, to attempt to apply the theatrical fund to carry on a war. Θανάτῳ ἐγνωσθαι, εἴ τις ἐπιχειρεῖ μεταποιεῖν ἡλία θεωρικὰ στρατιώνα, are the words of Ulpian. By this decree the Athenians were, in some measure, secured against a hasty misapplication ; as it made two steps necessary, where one only had been required—it being now indispensable to procure a repeal of the penal decree before the question of the application of the money could be prudently moved ; and thus necessitating a deliberate consideration of a measure so important as the commencement of a war.

It is curious to observe with how much virulence the people of Athens have been calumniated for passing this decree ; with what an absurd violence the enemies of what they call luxury, and of the human species, the fast friends of asceticism and of war, have in all times reiterated the same censure, and with what a blind credulity the vulgar have re-echoed the cry. If we consider the advantages which the Athenians, and indeed the whole civilized world, derived from the Greek theatre, and the small benefits, or rather the miserable calamities, occasioned by their wars of aggression, in other words, by almost all the wars in which they engaged, we shall be induced to look upon the decree of Eubulus as a most salutary law, which forbade turbulent spirits to consume a fund, raised for the great purposes of public instruction and civilisation, in promoting waste, slaughter, and barbarism.

The matter is not without interest, if we view it only as a portion of ancient history, and as it respects the manners and policy of times long gone by ; but it is far more important, if we bring it home to our own days, and ask ourselves whether *our own Σεμεῖα* have not often been taken from us ? and applied, when there was no Eubulus at hand to help us, to those very purposes, which the much-censured Athenians so wisely sought to prevent. It cannot be denied that this fund, with us—the fund for supporting elegant arts, and embuing the body of the people with noble tastes and refined sentiments—has been frequently seized on, by anticipation,—not only before it was collected in the treasury of the theatre, but before it was accumulated in the hands of the opulent individuals, who would otherwise have created and applied it ; and that it has been expended upon wars, that were purely and peculiarly wars of aggression. Why, we would also ask, is the influence of our theatres so small, seeing that in a free country their power ought to be great ? Why do men of worth refuse almost unanimously to visit them ? Why will no man of real talent write for them ? These questions, and

such as these, continually occur to all who reflect upon the present state of our society; and we will briefly discuss, and endeavour to solve some of them.

Travellers inform us, that savages, even in a very rude state, are found to divert themselves by imitating some common event in life: But it is not necessary to leave our own quiet homes to satisfy ourselves, that dramatic representations are natural to man. All children delight in mimicking action; many of their amusements consist in such performances, and are in every sense *plays*. It is curious, indeed, to observe at how early an age the young of the most imitative of animals, man, begin to copy the actions of others; how soon the infant displays its intimate conviction of the great truth, that ‘all the world’s a Stage.’ The baby does not imitate those acts only, that are useful and necessary to be learned; but it instinctively mocks useless and unimportant actions and unmeaning sounds, for its amusement, and for the mere pleasure of imitation, and is evidently much delighted when it is successful. The diversions of children are very commonly dramatic. When they are not occupied with their hoops, tops, and balls, or engaged in some artificial game, they amuse themselves in playing at soldiers, in being at school, or at church, in going to market, in receiving company; and they imitate the various employments of life with so much fidelity, that the theatrical critic, who delights in chaste acting, will often find less to censure in his own little servants in the nursery, than in his Majesty’s servants in a theatre-royal. When they are somewhat older they dramatize the stories they read; most boys have represented Robin Hood, or one of his merry-men, and every one has enacted the part of Robinson Crusoe, and his man Friday. We have heard of many extraordinary tastes and antipathies; but we never knew an instance of a young person, who was not delighted the first time he visited a theatre. The true enjoyment of life consists in action; and happiness, according to the peripatetic definition, is to be found in energy; it accords, therefore, with the nature and etymology of the drama, which is, in truth, not less natural than agreeable. Its grand divisions correspond, moreover, with those of time; the contemplation of the present is Comedy—mirth for the most part being connected with the present only—and the past and the future are the dominions of the Tragic muse.

It has been a grave question, since the first introduction of theatrical representations, whether they are on the whole beneficial to society, or hurtful? Experience seems to have decided in their favour. Plato, who had never lived in a state where they were not, but, on the contrary, always resided in a

city where they were frequent, at the beginning of the tenth book of his Republic, and at the end of the seventh book on Laws, gives his suffrage against them, and excludes them, as well as all poetry, from his ideal republic. Some have conjectured, and it is not impossible, that the dislike of the elegant philosopher for poets, was caused by envy and the spirit of rivalry ; or, since it was his delight to invent paradoxes, that he condemned the theatre, because the love of it was so prevalent amongst his countrymen, as to be considered almost essential to their existence ; and that if he had inhabited a country in which it was held in abhorrence, the same motive would probably have induced him to recommend the drama as necessary to public welfare and private felicity. On the supposition that he wrote in good faith, it must at least be admitted, that he wrote in ignorance; never having had an opportunity of observing by actual experience the state which he recommends: we may therefore believe, that if he had known the inconveniences arising from the want of theatres, as well as those which are occasioned by the abuse of them, he would perhaps have invented a commonwealth less inhospitable to players.

At all events, the fancy, or opinion, that the theatre is injurious to morals, is by no means of modern origin; several states of Greece, and especially the rude, cruel, and warlike Sparta, abhorred it as sincerely as the most sour and rigid of our puritans; and there is nothing that has been said by the most bigoted of their writers, which has not been said and written with equal vehemence and austerity in ancient times. The praise of great severity of manners may still be had by persons who will seek it thus; but they are many centuries too late for the praise of novelty. Plutarch, in his life of Solon, tells us, that when Thespis first set up the stage at Athens, it was much frequented by the multitude; that Solon went once himself, and when the play was over, asked the manager if he was not ashamed to tell such a parcel of lies before so many people? Thespis answered, it was no harm to say or do these things in jest, and by way of diversion; but Solon struck his staff with passion upon the ground, and replied, If lying is so well received in the way you talk of, we shall soon have it practised in serious business. Some strict persons, in like manner, will not permit any expression to be used to children which is not precisely and literally true: But experience proves, that we should thereby deprive them of much instruction and innocent amusement: For at the earliest age, and as soon as they can make any distinction whatever, they learn to discern between jest and earnest,

and they rarely, if ever, confound them. They can at once tell whether we speak seriously or in fun—and so can those children of a larger growth, the multitude. There have been sects, since the days of Solon, though not perhaps philosophers, who do not frequent theatres, who use no amusing fictions, who never say the thing that is in jest: But we may safely appeal to the experience of mankind, whether the members of such sects, in the serious business of life, are remarkable for a superior worth or veracity. There is, and always has been, but too much falsehood in the world: But men do not learn at the play-house to speak untruths—nor in reading *Don Quixote*, or even the *Arabian Nights*; nor are the most veracious or ingenuous children those who are ignorant of the history of *Jack and the Bean*, and of his great namesake, the *Giant-killer*.

It is difficult to conceive a preacher, whose eloquence should generally produce a moral effect upon his audience equally strong with that caused by a moderately good representation of an indifferent tragedy; and we are convinced, that the force of comic ridicule, when directed skilfully against a public abuse, would be irresistible: The power of the theatre, whether it operates by laughter or by tears, might therefore, if duly exerted, be productive of infinite good. Striking portions of history might be shown on the stage with a forcible and impressive effect; for even the dull history of England becomes interesting in the ten dramas of Shakspeare; and it is perhaps not altogether impossible, that the still duller legends of France might acquire attraction in the hands of a great master of scenic composition. These ten plays are the best specimens we have of the manner in which history may be treated dramatically; and the mode in which eight of them follow each other, reminds us of the trilogies of the Greeks. Young persons, and the lower orders, listen with great satisfaction to speeches, and even to disputatious arguments, whenever they are able to comprehend in any degree the object of them; and they assist at dramatic exhibitions with still greater pleasure and profit. Nor is it profitable for youth to be hearers only; it is good for them to take a part. Acting plays, under proper superintendence, is very useful; it is the best mode of learning to pronounce well, of acquiring a distinct utterance, a good delivery, and graceful action; the memory is strengthened and enriched with plenty of choice words and elegant expressions, and the mind is taught by experience to judge correctly of dramatic excellence.

This exercise, too, is always performed with so much ease and delight, that if it were not beneficial in its effects, as it undoubtedly is, it ought still to be encouraged, as an innocent and ac-

ceptable relaxation ; and reserved as a reward for past, and a motive for future exertions. It was formerly practised on this principle at our Universities, and continued in force there so long as learning was cultivated : the good old custom is still retained in Westminster School. So long, also, as the Inns of Court were faithful to their original destination—the advancement of legal education, it was usual for the students to act plays in the halls ; and great personages, sometimes even kings and queens, did not disdain to attend them ; in short, wherever education was, there were theatricals also, as the last finishing of the work.

The Jesuits, who were the most liberal of all the religious orders, and were, in truth, the victims of their liberality, as they were singularly active and successful in education, encouraged dramatical representation in their seminaries. We have this account of their proceedings from Gabriel d'Emilianne, a very hostile witness :—

' The Jesuits take much pains themselves in making of comedies and tragedies, and every Regent is bound to compose two at least every year. To this end, as soon as they have finished some piece of elaborate folly or buffoonery, they distribute the personages thereof to those of their scholars they judge most proper to represent them ; and they spend a great part of the time of their classes, or morning and afternoon lectures, in exercising them two or three months before the drama is to be acted publicly. This loss of time would not be altogether so great, in case these comedies or tragedies were in the Latin tongue ; but, excepting only some few sprinklings of Latin words here and there, they are all Italian. Their end herein is to make them the more intelligible to the ladies that are invited to them. Amongst the rest, they take care not to forget the mothers of their scholars, who are ravished to see their children declaiming upon the theatre of the reverend fathers, and conceit their children have profited greatly, in being so dexterous in playing the jack-pudding.'

He afterwards relates, in a more angry tone, that

' The Abbot of St Michael's in the Wood, near Bologna, told me there was no harm in all this, and that they did it for a good end ; " For," said he, " we sometimes act little tragedies and comedies in the vestry, or in the church, to which we invite our kindred of both sexes, and our friends, to be merry together." The Abbot, in giving me this account, took notice of some sort of indignation on my brow, when he told me that they made use of the church to act their farces and comedies in ; and therefore would needs excuse himself on that point, by telling me that they were in a manner forced to serve themselves of that place, because the ladies were not suffered to enter the Convent, so that they had no other place where to bestow them ; as if, forsooth, it were a case of absolute and insuperable necessity for the ladies to be present,

or for them to act such kind of follies. Sometimes, also, they are guilty of most horrible profanations, by building their theatre upon the high altar where the holy sacrament is lodged.'

We would not willingly participate in the horror of a writer, who declares that a profanation is great, for a reason which he does not believe himself; yet the practice of acting plays in a church is so contrary to our present habits, that it somewhat startles us. Though it may tend possibly, in some sort, to remove indignation from the brow, and to excuse the reverend fathers, if we reflect, that in the ancient world dramatic representations were intimately connected with religion, and were indeed a part of it; that the theatre, in short, was a sacred place, and that the performance was accompanied by sacrifice. Not only was it so with the Pagans, but with the Christians also, to a certain extent; and when the drama was restored in the middle ages, it was by sacred persons, representing sacred stories, most commonly in sacred places. But of this hereafter. In all religions that have enjoyed an extensive influence, or a permanent establishment, there has been much that was dramatic in the public rites and services; various scenes connected with the foundation, or extension, of the peculiar faith, were represented, although not always perhaps with taste and felicity. Except in a few modern sects, the ritual has never consisted of prayers and thanksgivings alone.

It is not impossible that the notion of desecrating our churches, by applying them to other uses than those of devotion, may be carried farther than ancient usage will warrant. It is lawful to do good on the Sabbath days; and it may possibly be lawful to do good also in a sacred place: It is certain, that they have often been used by pious persons for the best act that man can do to his fellow, for the purpose of teaching. We read of the excellent and eminently pious Sir Thomas More, that 'as soon as he put on the bar gown, he read a public lecture in the church of St Lawrence, Old Jewry, upon St Austin's treatise *De Civitate Dei*, with an excellent grace, and great applause. In these lectures, he did not discuss any points of divinity, so much as explain the precepts of Moral Philosophy, and clear up some difficulties in history.' The Court of Arches, as is well known, derives its name from the church of St Mary-le-bow, or *de Arcubus*; that celebrated house of prayer was made, without scruple, a den of proctors. It should seem, therefore, that the clergy of former days were less jealous of sharing the sacred edifices with the profane, and did not seek to withhold public buildings from public purposes, under a pretence of extraordinary

reverence. However that may be, it is certain that they were not, as now, hermetically sealed ; they stood open, at all hours of the day, to all comers. It is only in very modern times, an abuse of yesterday, that indolence and eupidity have conspired to shut out the public from our cathedrals. We read with horror and indignation, but without surprise, the late miserable destruction of the choir of York Minster. The catastrophe seems to have been the consequence of this illegal and barbarous practice ; and we may expect to see more of the same kind, unless vigorous measures are speedily adopted to rescue the custody of them from unworthy guardians, who seek to derive vile and paltry gains, by extorting from the curiosity of strangers, fees for permission to admire public ornaments, which are equally the property of all. If the church had been open, an incendiary could scarcely have set it on fire ; or if some maniac had committed such an act, the fire would have been discovered before it had attained an irresistible force. The structure of the building demonstrates, that a sudden conflagration was not to be apprehended ; the mischief must have been unobserved during many hours of total neglect, or it could not have consumed an edifice constructed almost entirely of stone. If the church had been open, it could not have been without watchmen, however strong the desire to economize might have been. The fear of damage would have proved a security, and the presence of the *veawogoi* would have frustrated the designs of a prophet, or even of more than a prophet. Those who have often gazed with delight and wonder on that lovely choir, can alone be sensible of the full extent of our loss, or feel sufficient indignation at the monstrous and inconceivable negligence which was really the guilty cause.

The consideration of our Cathedrals may appear to some to be remote from the subject we have undertaken to treat ; but it is in truth essential to the view which we have taken of it ; and it will be necessary to examine the structure of these edifices more minutely, that what we are going to add may be intelligible. As the Drama was derived from Greece, it is necessary, in order clearly to understand its nature, to obtain a correct idea of the Greek Drama ; but especially of the Tragedy, which was its most ancient form, and of the grand characteristic and parent of the Greek Tragedy—the Chorus. Now, it will greatly assist our comprehension of this obscure and ill-explained subject, to examine with attention the construction of a Cathedral Church. The tendency, since the Reformation, has always been, in all our institutions, to shut in and to include a chosen few, and to exclude by strong barriers, and shut out as

effectually as possible, the mass of the people : We may remark this in a very striking manner in our Cathedrals. The eastern end has been separated by the organ, and by other impediments, from the body of the church, and effectually cut off from the view. We must remove these obstacles, at least in idea. We must imagine that the organ has been restored to its original position, which in many of the Continental churches it still occupies, over the western entrance ; or at the side in one of the aisles, where we sometimes find it ; or, as the mighty instrument is comparatively modern, although of considerable antiquity, we may suppose that it is annihilated. We must also imagine, that all the other wooden barricadoes, especially galleries, and those frightful examples of aristocratical exclusion—the pews, are swept away, and that the whole building is as clear and as open as a heathen temple, or an unreformed church. We shall find, that the whole of the part which we have laid open, is raised by two or three steps above the pavement of the rest of the church, and that the farther or eastern part of this elevated area is again raised in the same way ; and upon this highest elevation the high altar, or, as we call it, the Communion Table, stands. The whole of the elevated area, as well as the persons who officiate upon it, retains the ancient name of Chorus in most of the languages of Europe, although it is somewhat modified according to the genius of the language : We call it the Choir, or Quire. In many churches, as in St Peter's at Rome, for example, and the cathedral at Florence, the high altar is placed more nearly in the middle of the building, and under the cupola, or central tower : But this is not very material.

We must then imagine, that the service used in our cathedrals is performed, or rather, since many ceremonies, continued from a very remote period, have been laid aside, that more ancient rites are celebrated. We must imagine that we see, on that elevated part of the pavement called the C'horus, or Choir, that body of men which is also called by the same name, attired in sacred vestments, and occupied in various rites ; that at one time they march slowly in different directions, and at another time remain fixed on the same spot ; that they ascend and descend the steps of the high altar, and that some of them perform certain ceremonies there ; that they bear on high and exhibit images, vessels, or reliques ; that they carry in their hands, at one time, lighted tapers, or torches, at another, sprinkle lustral water on all sides, or waft clouds of incense from burning censers, and especially that they often divide themselves into two equal bands, and that each (semi-chorus) is in all such actions the exact counterpart of the other ; moreover, that they chant during their mysterious operations,

and sing verses to the accompaniment of musical instruments, in strange and solemn strains, in strophe and antistrophe, or, as they are now called, antiphones, or anthems; responsive songs, relating to the history of remote periods, prophetic, and of a dark and mysterious sense, the one half of the Choir answering the other from the opposite side of the altar: And that the whole of the nave and the aisles on all sides are filled with a mingled crowd of spectators, of both sexes, and of every age and rank. But we need not *imagine* such a scene: for we may see it ourselves in the greatest part of Europe; and when we see it, we see the Chorus of the ancient Greeks.

Such, undoubtedly, it appeared to the eye; and such were the ceremonies which were performed, although with a different design and object, in the temples and theatres of Greece, and more frequently before an altar in the open air, either within the walls of a city, or at some sacred spot without and in the vicinity. Let us next imagine, that in order to explain ceremonies of which the meaning might not be very obvious, some person comes forward and recites to the multitude a narrative of the event which the festival is designed to commemorate. Let us, to make the matter more plain, take a familiar and awful example from our own history. Let us imagine that the Choir is engaged in celebrating the martyrdom of St Thomas of Canterbury; and that in the midst of the performances, which are still continued, an orator recites the tale of the barbarous and sacrilegious murder of an Archbishop, perpetrated in his cathedral, on the steps of the high altar, because, from devotion to a righteous cause, he refused to sacrifice to his personal safety the immunities of the Holy Church. Let us again imagine that the saint himself, arrayed in his pontificals, appears as a beatified spirit, in much glory, and eloquently relates the threats and temptations with which he was assailed, the firmness with which he withstood them, the ferocity of his murderers, whose coming he had anticipated, and his patient submission and calm resignation to a violent, but voluntary death. Let us farther imagine, that he sometimes addresses his discourse to the Choir, and sometimes to the multitude; and, to add to the effect of the exhibition, and to render it more edifying, that the Choir, still continuing their ceremonies, affect to feel, in some degree, the awe which such an apparition, if real, would produce; and at one while, address to the martyr expressions full of admiration and compassion, and at another, call upon the people to notice the meek courage of the sufferer, and to behold a just man made perfect.

Now, if we substitute Hercules, Theseus, or Agamemnon, for

Thomas à Becket, we have here the original form of the Greek tragedy; or, as it was first performed on the feasts of Bacchus, the subject was generally Bacchic; and we may suppose that the mythic tale was related by the god himself, by Semele or Ariadne, by Pentheus or Agave, or by some other Dionysiaca character. The drama was at first all prologue; it was a mere narration, and was not therefore dramatic, except so far as the intervention of the Chorus made it such, who, whilst they burned incense upon the altar, and poured out libations and performed the other rites, sometimes addressed themselves to the actor in terms of sympathy, and sometimes demanded the attention of the audience.

The number of actors was increased by degrees, and the place of narration was supplied by dialogue—spirited, passionate, disputatious dialogue, which superseded it in great measure in the Greek tragedy, and in that of Rome, France, and Italy; almost entirely in the new comedy, and in the entire drama of England, Spain, and Germany—a larger portion of it, however, being retained in the Greek tragedy than in any other, either through the force of custom, or for the sake of contrast, in which the Greeks delighted, and to set off the dialogue.

As a part of the drama, the Chorus was at first an accidental ingredient; for we have seen that the dialogue was gradually superinduced and added to it, and invented in connexion with it; but it was long continued as an essential part, through reflection and experience of its advantages, and in obedience to the dictates of true genius and good taste. The Chorus may truly be said constantly to vibrate, in the ancient tragedy, between the audience and the persons represented. Sometimes it more nearly approaches the spectators, and seems to form a portion of them—which was perhaps the more ancient practice: sometimes it inclines to the performers, and takes a decided part with them—and this is the more modern method; for in modern plays, which have been intended as imitations of the ancient models, the chorus has uniformly taken its place actually upon the stage. In the ancient theatre, it occupied an intermediate position; and as it often changed its place, it most probably approached, or receded from, the stage or the audience, whenever it was about to throw its weight into the one scale or the other.

The union of the Chorus with the spectators was, in fact, a kind of treachery, although an innocent one, and it was doubtless very efficacious in deceiving; for to be thoroughly deceived, it is necessary to be betrayed also. The confederate of a conjuror affords a homely instance, but a plain and familiar one; he takes his seat amongst the company, and whilst he seems to

share in their wonder, and even affects to participate in their vigilance, he effectually advances the designs of his principal, and is indeed essential to their success. He, to be sure, seeks to ~~cheat~~ us only into a childish wonder, whilst the Chorus deludes us into a close sympathy with the woes of Electra, with the terrors and despair of Oedipus. The end is more noble, but the means employed are nearly the same. It is manifest how much passions may be inflamed, and how soon the grand foe to passion, reason, may be lulled asleep, by what is familiarly called *Backing*: For when any one is deeply engaged in a game, or is angry, and about to fight, a single word of encouragement from the most obscure and insignificant of the bystanders, if uttered in season, increases the desire of success in the one case, and of revenge in the other, even in the bosom of a person of superior constancy, and but too often succeeds in banishing prudence, when it was not entirely dislodged, and in turning the trembling scales to the evil part. In more important contests, many a brave fellow, whose courage had begun to flag, and his spirits to droop, and who was about to sink beneath the overpowering might of his enemies, has been animated to fresh exertions, and often to victory, by the cheering voice, or an encouraging sign, a whisper, or a look, from his immediate commander. The sudden appearance of the General has commonly an electrical effect, and the instances are innumerable, in which it has converted, as if by magic, rout and disastrous defeat into complete and triumphant success. So, in the war of words—a species of warfare that seems harmless, but is frequently more destructive than that of the sword—a timid disputant has often been impelled, by a slight encouragement artfully thrown in at the critical moment, whether in kindness or in malice, to rush headlong into perils not less than those of the field, and to gather laurels at least as glorious as those won by the General. Many animals are exceedingly sensible of the power of backing. The courage and conquests of dogs and cocks, as is well known, are greatly aided by it; much of the merit of the skilful huntsman consists in the degree of encouragement he is able to give to his hounds; and much of the art of the jockey in judiciously exciting and animating, at proper periods, the generous emulation of his horse. We may easily believe, therefore, that the effect of the Chorus in assisting the actors was very great, and that it was not the least powerful, when the words that were uttered appear, at first, to have an opposite tendency. When the substance of them is, ‘Moderate your grief! such is ‘the course of events,’ the grand point, that real sorrows are beheld, and are therefore deserving of pity, but to a reasonable

extent, is enforced by implication ; a mode of proof which least excites suspicion, and in the due use of which the greatest art of the orator is displayed. The Chorus was, perhaps, but the frame of the picture ; but whoever has seen a painting without its frame, knows how much of the effect is lost when that is removed. It was like the side scenes of our theatres, which add much to the deception caused by the back scene.

The Music of the choral songs added greatly to the attractions of the theatre : But as the materials are wanting, it is impossible for us to have any idea of it. Our modern musicians, we suspect, could hardly compose an air that would carry a strophe of Pindar, or of a tragedy. They never attempt a longer piece than a short stanza ; and as soon as they have made a sensible melody, they seem to be ashamed, or afraid, of their own creation, and finish it as hastily as possible. The art of suspending and prolonging a melody for a longer time, and then bringing it gracefully and agreeably to a close, seems to be lost. Harmony, at which the composers of the present day chiefly aim, although they strive hard to make it appear to be profound and difficult, is comparatively easy, as those who best understand the subject affirm, and demands less genius and originality than melody. The music that is heard in the Greek Church, as every person has experienced who has ever entered one, is very peculiar, and by no means unpleasant, even to ears that are quite unaccustomed to it. If an experienced musician, and a man of taste, were to investigate the more ancient musical services of that church, he might possibly find the clew to Greek music, and greatly elevate and improve the art, especially in expression, and so far as it is connected with poetry. It is said that important and valuable vestiges of the ancient Dancing, which was also intimately blended with the choral parts of tragedy, as well as the music, may still be found in the East, and in some parts of the kingdom of Naples.

Of the ancient sacred rites, many were performed by females only ; we consequently often find a chorus of women in the Greek Drama. Euripides, although he is commonly reported to have been an enemy of the fair sex, seems to have preferred them to men in the composition of a chorus ; for of his twenty tragedies, fifteen are furnished in this manner, and of the remaining five, one is a satyric piece, and the chorus, of course, consists of satyrs. In two only of the seven tragedies of Sophocles, on the contrary, is there a chorus of women ; whilst the like number of plays by Aeschylus furnish three with a chorus of women, and two more of females, but of a supernatural order ; in one, the Furies, in the other, the sea-nymphs, the daughters of

Oceanus. It would be difficult to select amongst ourselves a class of persons fit to fill with propriety the part, and to perform the offices, of the ancient Chorus, if we were inclined, by way of experiment, to attempt to revive the institution. We have no sympathy in this land with monks and nuns; and, like a chorus of wasps, they could only be introduced into a comedy composed in imitation of Aristophanes. They might, however, be used with advantage in countries where they are still reverenced; and if the principal character rushed suddenly into their church during the performance of solemn rites, to avail himself of the privilege of sanctuary, fresh from some murder, and pursued, not like Orestes by the Furies, but by the kindred of the slain eager for revenge, the union of the dramatic action with the chorus would not want probability, and the whole might be worked up into one consistent fable. The story of Francis the First of France, who, after his defeat at Pavia, came unexpectedly into the beautiful church of the Carthusians, near that city, while the fathers were engaged in the daily service, to seek an asylum in that sacred place, affords an example, from real history, of a hero coming in contact with a suitable chorus.

The expense of the chorus at Athens was very considerable; but it was furnished by private persons, and was one of the burdens, or liturgies, as they were called, which were imposed by law on the rich. The heavy charge was perhaps one reason why it was at last entirely laid aside. The dialogue, which had at first been introduced as a trifling addition, and an incident only, gradually increased in importance, and gained upon the original groundwork and foundation, which it at last supplanted.

The climate of Athens being one of the finest and most agreeable in the world, the Athenians passed the greatest part of their time in the open air; and their theatres, like those in the rest of Greece and in ancient Rome, had no other covering than the sky. Their structure accordingly differed greatly from that of a modern playhouse, and the representation in many respects was executed in a different manner. But we will mention those peculiarities only which are necessary to render our observations intelligible.

The ancient theatres, in the first place, were on a much larger scale than any that have been constructed in later days. It would have been impossible, by reason of the magnitude of the edifice, and consequently of the stage, to have changed the scenes in the same manner as in our smaller buildings. The scene, as it was called, was a permanent structure, and resembled the front of Somerset House, of the Horse Guards, or the Tuilleries, and was in the same style of architecture as the rest of the spacious

edifice. There were three large gateways, through each of which a view of streets, or of woods, or of whatever was suitable to the action represented, was displayed ; this painting was fixed upon a triangular frame, that turned on an axis, like a swivel seal, or ring, so that any one of the three sides might be presented to the spectators, and perhaps the two that were turned away might be covered with other subjects, if it were necessary. If parts of Regent Street, or of Whitehall, or the Mansion House, and the Bank of England, were shown through the openings in the fixed scene, it would be plain that the fable was intended to be referred to London ; and it would be removed to Edinburgh, or Paris, if the more striking portions of those cities were thus exhibited. The front of the scene was broken by columns, by bays and promontories in the line of the building, which gave beauty and variety to the façade, and aided the deception produced by the paintings that were seen through the three openings. In the Roman theatres there were commonly two considerable projections, like large bow-windows, or bastions, in the spaces between the apertures ; this very uneven line afforded assistance to the plot, in enabling different parties to be on the stage at the same time, without seeing one another. The whole front of the stage was called the scene, or covered building, to distinguish it from the rest of the theatre, which was open to the air, except that a covered portico frequently ran round the semicircular part of the edifice at the back of the highest row of seats, which answered to our galleries, and was occupied, like them, by the gods, who stood in crowds upon the level floor of their celestial abodes.

Immediately in front of the stage, as with us, was the orchestra ; but it was of much larger dimensions, not only positively, but in proportion to the theatre. In our playhouses it is exclusively inhabited by fiddles and their fiddlers ; the ancients appropriated it to more dignified purposes ; for there stood the high altar of Bacchus, richly ornamented and elevated, and around it moved the sacred Chorus to solemn measures, in stately array and in magnificent vestments, with crowns and incense, chanting at intervals their songs, and occupied in their various rites, as we have before mentioned. It is one of the many instances of uninterrupted traditions, that this part of our theatres is still devoted to receive musicians, although, in comparison with their predecessors, they are of an ignoble and degenerate race.

The use of masks was another remarkable peculiarity of the ancient acting. It has been conjectured, that the tragic mask was invented to conceal the face of the actor, which, in a small city like Athens, must have been known to the greater part of

the audience, as vulgar in expression, and it sometimes would have brought to mind most unseasonably the remembrance of a life and of habits, that would have repelled all sympathy with the character which he was to personate. It would not have been endured, that a player should perform the part of a monarch in his ordinary dress, nor that of a hero with his own mean physiognomy. It is probable, also, that the likeness of every hero of tragedy was handed down in statues, medals, and paintings, or even in a series of masks ; and that the countenance of Theseus, or of Ajax, was as well known to the spectators as the face of any of their contemporaries. Whenever a living character was introduced by name, as Cleon or Socrates, in the old comedy, we may suppose that the mask was a striking, although not a flattering portrait. We cannot doubt, that these masks were made with great care, and were skilfully painted, and finished with the nicest accuracy ; for every art was brought to a focus in the Greek theatres. We must not imagine, like schoolboys, that the tragedies of Sophocles were performed at Athens in such rude masks as are exhibited in our music shops. We have some representations of them in antique sculptures and paintings, with features somewhat distorted, but of exquisite and imitable beauty.

It is possible that the Chorus was retained, for a long time, through timidity, and a want of faith in the credulity of the audience ; it being supposed, in the infancy of the drama, that the action would not seem to be real, unless it were warranted and vouched by the Chorus, the broker and go-between of the passions, which was neither actor nor spectator, but a kind of middle term, by means whereof the conclusion was to be reached. The mask, perhaps, was used through the same fear ; and, for the like reason, the unities were commonly observed. Athens was the metropolis and nursing mother of the ancient drama ; all the great creative dramatists of the Greeks were born and formed in Attica. We must, however, except the Doric dramas of Epicharmus, which are unhappily lost. Would that we could recover this Doric Muse ! To borrow the words of the rare Ben Jonson, ‘ I would endure to hear fifteen sermons a-week for her ! ’ Of the vast stores of dramatic pieces of the Greeks, thirty-three tragedies and a morsel, eleven comedies, and many lovely fragments, have alone escaped. We have not only to regret the absence of many celebrated masterpieces of the dramatic art, but that those which survive are not as well known, and as generally studied, as their transcendent and marvellous merits deserve. The majority of English writers have displayed an ignorance of the nature and design of the Greek Drama, so great,

and yet so confident, that it could not have been derived from their own negligence alone, but has been borrowed from Voltaire, and other French critics. As persons who live in remote villages are somewhat late in receiving the fashions, and we may see in a country church every female of any pretension dressed in the extreme of the last fashion but one ; so, from our insular situation, and a certain slowness in accepting innovations, we usually adopt the quackeries of the Continent long after they have been exploded everywhere, except in the United States of America : For our trusty and well-beloved cousins, the free citizens thereof, have the last reversion and remainder. Animal magnetism, for example, and craniology, when they were banished from Paris, sought refuge in the British isles, and found a hospitable welcome ; and the barbarous notion, that a knowledge of the ancient languages and literature is not an essential part of a good education, which was prevalent in France at the time when the leading men of that country were as free from ancient as from modern learning, has unhappily found some advocates of late in our own country. After the fall of a dynasty, which was even more sudden, if possible, than its rise, the rude assertion has been acknowledged to be untenable, and all wise men are anxious to repair whatever is defective, and to supply what has been omitted, in classical instruction and institution. This discarded paradox, strange to say, has found some favour in Great Britain. But, as we have no heroes and statesmen chosen from the ranks and the rabble, no waiters and postilions set to govern the world as marshal dukes, with titles taken, like the scées of our Catholic bishops, *e partibus infidelium*, from whatever place is remote in situation, or in sound—from Paphlagonia or Cappadocia, from Taprobane or Monomotapa, from the hither or nether Bulgaria—to whose glory, ignorance dark and Bootian, and a total blindness, are essential—we cannot believe that such an abominable heresy will take a deep root, or be of lasting duration.

A metaphor misleads the vulgar herd ; the phrase, ‘the infancy of art,’ or of science, casts a shadow over the matter to which it is applied ; and many persons suppose, on no better authority than such an expression, that the Greek Drama, having derived its existence from a remote period, is incomplete and unfinished,—whereas it is, in truth, far more perfect than the compositions of any later period. The remains of the Greek theatre are, perhaps, the most beautiful of all things, even of the literature of

‘The learned Greek, rich in fit epithets,  
Bless’d in the lovely marriage of pure words.’

An enthusiastic admirer has boldly asserted, that Sophocles was the most felicitous of mortals. Euripides provoked Philemon to declare, that ‘if the dead still have feeling, as some suppose, he would hang himself for the sake of seeing Euripides;’ and Aristophanes, by the exquisite beauty of his style, to traduce and ridicule him in the severe and unsparing spirit of envious rivalry; whilst the astonishing astuteness of his dialogue has induced Quintilian to recommend his tragedies to the young orator, as a model of the irresistible in argument and refutation. The subjects of the Greek tragedies are almost always mythological, and unfold portions of the history of the gods. They have therefore been considered, irrationally enough, as being of an irreligious tendency, and to have been expressly directed against the religion of the state: And the same censure, at least so far as the tendency, has been passed on those Spanish dramas which are founded upon religious stories. It cannot be denied, that a blind reverence is always somewhat diminished, by entering into the details of any religion whatever with familiarity and minuteness; for it has been observed, that our conviction of the truth of any opinion is always somewhat lessened, in proportion as our knowledge of the grounds on which it is founded is increased. There is no confidence, in short, so firm and so bold, as the confidence of ignorance. On that account only can the Greek Tragedies be said to be irreverent, and so far as knowledge tends to create doubts, to unsettle early prejudices, and to awaken and foster scepticism: But ignorance is not less an evil, or more tolerable, because such is the constitution of the human mind.

These noble compositions, on the other hand, delight all persons who read them, even if they happen to be prejudiced against them when they first enter on the study. They please different readers for various reasons; but every one finds some singular excellence that is in accordance with his peculiar tastes—with his idiosyncrasy of sentiments and opinions.

Modern works of imagination offend the classical scholar by seeking to pamper a vitiated appetite for the intense. The feelings they express are too commonly those of the maniac; and the sentiments are often the extravagant ravings of a bedlamite. These chaste productions, on the contrary, never overstep that modesty which nature enjoins. The language, however overwhelming the situation, however deep the passion, is sober, reasonable, and subdued; and, therefore, exquisitely touching and pathetic. A judicious critic has complained, that too large a portion of the modern drama is occupied by love, or gallantry. The ancient theatre was exempt from this imperfection, and from

many others. Dramatic composition is one of the efforts of the human mind that requires the greatest exercise of thought. It is a problem of difficult solution, to draw a character who shall display himself out of his own mouth, and shall convince the audience that he is wise, virtuous, and witty, or foolish and wicked, not because the author, in his own person, or by the narrative of others, asserts that he is such, but from the sentiments the fictitious being himself utters. The extreme brevity with which this task has been executed, is only less wonderful than the success of the execution. The average length of a tragedy of Euripides, if we omit the Cyclops and Rhesus, for reasons which it is unnecessary to state, does not exceed 1440 verses, many of which, being written in lyrical measures, are extremely short. Those of Sophocles exceed this standard by about 30 lines; of the seven plays of Æschylus, all, but the Agamemnon, which is one of the longest tragedies that remain, as it contains 1695 verses, (*Oedipus at Coloneus* and the *Phænissæ* having each 1779,) fall short of the average of the other two tragedians: They are of nearly the same length—that is, somewhat less than 1100 lines.

The tragedies of Euripides are remarkable for their prologues, which are introductions, or arguments, or an opening of the pleadings, spoken by the principal character, or, at least, by a personage of some importance in the piece. They have been humorously compared to the labels in the mouths of the figures in old pictures. They are interesting as remains of the original and pristine Tragedy, which, as we have before stated, consisted of narratives introduced amongst the ceremonies of the Chorus; and they are of transcendent and bewitching beauty. The longest we have contains 85 verses; the average length does not exceed 60. Sophocles has, for the most part, omitted this elegant introduction; but that the omission was not the effect of want of skill, but through choice, is demonstrated by the exquisite prologue of 48 verses that ushers in the dramatic history of the apotheosis of Hercules, which he has executed in the *Trachiniae*, with a glory and majesty worthy of himself and his hero. Æschylus, in the specimens of his works that are now in existence, seems to be equally divided between the admission and the exclusion of a prologue. The long speeches of the Messengers, who, at the conclusion of a tragedy, frequently relate the catastrophe of the piece, are a distinguishing feature of the Greek theatre, and a relic of the old theatrical *praxis*, which operated entirely by narration, in the presence, and with the sanction and warranty, of the Chorus. Important news was frequently brought very suddenly, and related in pub-

lic in the Grecian states, by messengers who had been eye-witnesses of the events they told. The states were of small size, and the whole of Greece being of moderate dimensions, the consequent vicinity of the scenes in which the actions had been performed, would facilitate the conveyance of intelligence in this simple and natural manner. As most of the governments were of a very popular form, concealment was impracticable and unnecessary. There were no state secrets; and victories and defeats were proclaimed by fugitives, or couriers, to all the citizens in the market-place. The appearance of the *ἀγγελοι* on the stage would call to mind, therefore, the ordinary occurrences of real life. A modern messenger, bearing tidings of importance, would seem only a frigid imitation of the ancient tragedians. A writer, who was determined to purchase fidelity of costume and manners at the expense of dignity, ought to announce his catastrophe by the arrival of the wet newspaper—by a paragraph in the fourth edition of the *Globe*, or the *Courier*, beginning with the words, ‘Extraordinary Gazette.’

The division of a play into acts, was adopted partly for the sake of giving a respite to the actors, and partly, perhaps, when it was supposed that the imagination of the spectators was more difficult and fastidious than experience has proved it to be, to allow sufficient time for the events to take place in the intervals, which were afterwards related on the stage. Critics are not agreed as to the period when this division was introduced. If the latter reason had any influence, it is probable it was somewhat early, for scruples as to the power of imagination of the spectators seem to betray the simplicity of timid and infant art.

We have been detained so long by the Greek tragedians, that we must withhold whatever remarks we had intended on a subject of great curiosity and interest—we mean the Old Comedy, which is as little understood as the origin and design of the ancient Tragedy. We are happy, however, in being able to refer those, who desire to elevate their understandings above the vulgar level, as to this remarkable phenomenon of human ingenuity, to a guide so learned and philosophical as Augustus Schlegel. Persons who are not acquainted with the language of the original, will read with much advantage Mr Black’s translation, which appeared in 1815, in 2 vols. 8vo, entitled, ‘A Course of Lectures on Dramatic Art and Literature, by A. W. Schlegel.’ A French version was published at Paris the year before; and although it was in part revised by the author himself, the asperity against the French being somewhat softened, it certainly conveys his ideas less faithfully than the English, either because there is a certain repugnance to origin-

ality of thought in the French idiom, or because there is much less affinity between that language and the German. The acute and sensible remarks, and great learning of the lecturer, more than compensate for much mysticism, and some painful and violent struggles after sublimity and eloquence. The high tone of morality is very admirable and exemplary—especially on one point, where the unsullied purity of Schlegel, calm and heavenly as it is, is rather suited to a nunnery than to the world in general; until men and women shall consent to suffer the human race to die out.

The Old Comedy was a composition perfectly comical; because every thing was represented in a ridiculous light. It was not, however, as is commonly imagined, a rude commencement of the Art, but was in truth far more perfect than the New Comedy, which was a departure from its inherent character, wanting unity of design, and being, in truth, a mongrel or hybrid variety, that was strictly neither comedy nor tragedy. Modern critics have taken erroneous views of this subject, which may, however, be all traced to the fountainhead—the comparison of Aristophanes and Menander by Plutarch. The Old Comedy was annihilated by the force of tyranny: For it was under the same violent usurpation of power that the spirited censure of Aristophanes was reduced to silence, and the graver animadversions of the incorruptible Socrates punished with death. The future combats of these two great champions, who had exchanged many a hard blow in their verbal sparring, (to compare for once the intellectual with the brutal,) were intercepted and stopped for ever by the interference of the police! The New Comedy, which we now see only (except a few fragments) in the Latin translations, derived its chief merit from the truth of representation. The Old Comedy, on the other hand, was of necessity grotesque and fantastic, and the characters excessively exaggerated; for, in countries where men live much in public, and there is a perfect liberty of speech, they will be much alike, and there will be a great dearth of that eccentric individuality which constitutes the quiz—a being that can grow up only in narrow circles, and amidst formalities and restraints. In the New Comedy, too, the Chorus was entirely omitted; honest old Saturn had been dethroned by his rebellious children. In the Old Comedy it had been retained; and, like every other part of the representation, which was a caricature of the Tragedy, it was burlesqued and travestied; and, as in the original it was invested with great dignity and solemnity, so in the parody it was reduced to a state of ludicrous degradation; when it was not composed of frogs, or wasps, or birds, the members of it were engaged in fooleries, which con-

veyed a ridiculous image of the august rites performed by the Tragic Chorus. In the present day we have no institutions, no ceremonies, with which, if we were disposed to revive the pristine and most perfect form of tragedy, we should be able to form a Chorus. But if any one were inclined to compose a Comedy in the old manner, he might take his Chorus from two rites that still survive ; one, the convocation of the chimneysweepers on May-day, the other the synod of boys, representing an ecumenical council, or the Holy Inquisition, who assemble to burn Guy on the 5th of November. These are the only processions we now have ; the former has nearly been abolished, and the latter has only been retained because it was one of the securities of the Protestant interests against the machinations of the Jesuits, and of that very harmless old gentleman, the Bishop of Rome.

The Drama of ancient Rome possesses little of originality or interest. The word *Histrion* is said to be of Etruscan origin ; the Tuscans, therefore, had their theatres ; but little information can now be gleaned respecting them. It was long before theatres were firmly and permanently established in Rome ; but the love of these diversions gradually became too powerful for the censors, and the Romans grew, at last, nearly as fond of them as the Greeks. The latter, as St Augustine informs us, did not consider the profession of a player as dishonourable : ‘ Ipos sec-  
‘ nicos non turpes judicaverunt, sed dignos etiam preclaris ho-  
‘ noribus habuerunt.’—*De Civ. Dei*. The more prudish Romans, however, were less tolerant ; and we find in the Code various constitutions levelled against actors, and one law especially, which would not suit our senate, forbidding senators to marry actresses ; but this was afterwards relaxed by Justinian, who had broken it himself. He permitted such marriages to take place on obtaining the consent of the Emperor, and afterwards without, so that the lady quitted the stage, and changed her manner of life. The Romans, however, had at least enough of kindly feeling towards a Comedian to pray for the safety, or refection, of his soul after death ; this is proved by a pleasant epitaph on a player, which is published in the collection of Gori :—

‘ Pro jocis, quibus cunctos  
oblectabat,  
Si quid oblectamenti apud  
vos est,  
Manes, insontem reficite  
Animulam.’

‘ As the Greek Tragedy,’ to borrow the words of an acute

critic, ‘represented the struggle of man in a state of freedom, ‘with destiny, a true Roman tragedy ought to have expressed the ‘subjection of human impulses to the holy and binding force of ‘religion, and the visible presence of that religion in all earthly ‘things.’ It is certain, however, that there was nothing national or peculiar in the Roman Tragedy. The earlier specimens of Ennius and others, of which fragments remain, consist of translations, or imitations, of the Greeks. The most favourable opinion that can be given of these productions is comprehended by Ovid in one line: ‘Ennius, ingenio maximus, arte rudis.’

The tragedies of Seneca, the compositions of a later period, have nothing Roman in their structure. They are still extant, and it has been said of them, with much severity, but some truth, that they will furnish examples of the misapplication of every mental faculty. The regular Comedy was of two kinds; the *togata*, in which Roman manners were represented, and of that we have no specimens; and the *Comœdia palliata*, in which the actors wore the *pallium*, or Grecian dress, and the manners were Grecian also; of this kind we have still many examples. It is the new comedy of the Greeks; and, even in the hands of Plautus, it is somewhat dull. Terence gives the ordinary bill of fare, which does not promise much, in these words:—

‘Bonas matronas facere, meretrices malas,  
Parasitum edacem, gloriosum militem,  
Puerum supponi, fulli per servum senem;  
Amare, odisse, suspicari.’

This elegant and tame writer has handled subjects, in themselves not very inviting, as properly, not to say prudishly, as if he courted the patronage of tutors and schoolmasters, and sought, above all things, to be acted by Westminster boys, in the presence of their preceptors and spiritual pastors, before the Christmas holidays—a most harmless ambition in the poet, and an innocent recreation for the performers! which must especially tend to inculcate the important lesson of being soon pleased, and amused with a little. One of the dullest of our pedants, however, has asserted lately, in an ill-written schoolbook, that these performances are immoral and pernicious. In Rome, as in Greece, the Drama was always esteemed to be friendly to the cause of religion. Theatrical performances were first introduced to avert the anger of the Gods; and this pious people believed, that Jupiter was peculiarly gratified by the representation of the *Amphitryon* of Plautus, a comedy founded on a very remarkable *lark* of the father of gods and men. The connexion of the Drama with the Pagan religion was one of the grand causes of its suppression.

It was this connexion, indeed, that convinced the fathers of the Christian Church that it was an evil in itself, and set them upon finding arguments to demonstrate the proposition. In the 4th and 5th centuries, they poured forth incessant and most vehement admonitions against the sin and danger of frequenting the playhouse; but as their eloquence was unequal to the task of putting a stop to the amusements of the people, they were obliged, for some time, to content themselves with debarring the faithful from the participation of certain religious advantages, who had profanely shared in the recreations of the heathen. Some vestiges of their regulations still remain; and in France, the practice of forbidding the interment of players in consecrated ground still continues, and has excited great tumults, even in very recent times. Scruples of conscience respecting the lawfulness of theatrical amusements in general, have long been peculiar to the Galliecan Church; and they are not creditable to a body which struggled so manfully for its independence.

The arms of the rude barbarians of the north were more successful than the declamations of the fathers. They invaded, laid waste, and ruined the western empire, and effectually silenced the poet and the player. It is to be regretted that the Christians, who adopted almost every other institution of the Pagans, and applied them to their own purposes, did not extend their patronage to the Drama. One Ezechiel has written a play on a subject of Jewish history in Greek, under the title *ἰξαγωγὴ*, by which name he designates what we usually term the Exodus, the escape of the Israelites from Egypt under Moses. Some suppose that Ezechiel was a Christian of the second century; but the better opinion seems to be, that he was a Jew, and flourished about 40 years before Christ. It would thus appear that Tragedy had penetrated even into Palestine. Clement of Alexandria, and Eusebius, have preserved large fragments of the Exagoge, which are collected amongst the ‘Poetæ Christiani ‘Græci.’ All that can be said, however, in favour of the tragedy is, that it is not very bad for a Jew. This work proves that the holy fathers might have treated the theatre with more lenity. The Christian Emperors unfortunately assumed also a spirit of intolerance and fanaticism. We find many of their constitutions directed against the players; perhaps these monarchs sometimes felt that they were themselves fit subjects for the stage, and had a secret consciousness that the Comic Muse, unless restrained by fear, might make much mirth at the expense of the sacred and august family. The most inveterate enemies of laughter, are always those who are aware that they deserve to be laughed at.

Notwithstanding the Emperors and the invaders, and not-

withstanding the angry censures of the Church, we read that, even in the worst times, rude songs, dances, and imitations, still subsisted, and served to divert the gross minds of the ignorant on public festivals and at private feasts. In the 11th and 12th centuries, dramatic representations began to revive, under the ancient Etruscan name, but somewhat disguised ; they were called ‘*Strioni*’ and ‘*Giuochi Strionali*.’ The ecclesiastics performed them in the churches, as if they desired to acknowledge their errors, and to make reparation and honourable amends for their predecessors, who had done their utmost to prevent imitations which are natural and agreeable to man ; as if they sought publicly and officially to proclaim their belief, that there is an eternal and indissoluble connexion between Religion and the Drama. These representations were still more frequent in the 13th century. In the celebrated code of laws of Alonso the Wise, called the Seven *Partidas*, is a curious passage, which shows, that in this century dramatic representations were common in Spain. Clerks and other men are forbidden to act certain plays in religious habits ; and it enacts, that whosoever puts on the dresses of monks, or nuns, for that purpose, shall be publicly whipped out of the town, or place, where the offence is committed : ‘*Los Clerigos e los otros omes non deven fazer juegos de escarnio con habito de religion—qualquier que vestiere habitos de monges, o de monja, o de religioso, para fazer escarniose juegos con ellos, deve ser echado de aquella villa o de aquel logar donde lo fiziere a açotes.*’—*Tit. 6, ley. 36, part 1.* It is not plain whether the legislator forbade the profanation of applying sacred garments to secular uses, or the practice of making sport of monks or nuns. If the offence was the former, the like scandal has existed in modern times. A very serious character was much displeased some years since, that in one of the colleges at Cambridge, the surplices, which the scholars wear at chapel, had been used by the young men in acting a play. There is no new thing under the sun ! The Church, having assisted in destroying the theatre, after a considerable lapse of time restored it again. It has been asserted by some writers, that the Drama was invented anew in the middle ages, because the works of the ancient dramatists were not in general circulation when the spiritual pieces, called *Moralities*, or *Mysteries*, were first performed ; but the ecclesiastics who composed them were acquainted with some of the ancient dramatic pieces, if not of the Greeks, at least of the Romans,—if not the best, at least the worst models.

The old chronicles are full of instances of scriptural and allegorical dramas, performed by sacred persons, in sacred places,

and at sacred times, which we will forbear to cite. At certain periods, persons of all ranks seem to have vied with each other in eagerness to produce dramatic compositions, and there was less restraint on the subject amongst Christians, than there had been formerly amongst the heathen ; for even at Athens, as Plutarch informs us, in his treatise on the glory of the Athenians, a Judge of the Court of Areopagus was forbidden by law to write comedies. We have not, as yet, found it necessary to restrain, by a statute, the facetiousness of our judges. If it were desirable to legislate on the subject, a bill to explain and amend the jokes of many members of the legal profession would be more useful. All religious persons, from the bishop down to the chorister, were equally prone to assist, according to their different gifts, the cultivation of the Drama, and to promote theatricals on all occasions : Nor were our countrymen backward in running the race ; on the contrary, they were long famous for their addiction to the stage, and their success and skill in every department of the theatre.

Many authors give the English Bishops the credit of having first introduced dramatic representations into Germany. L'Enfant, in his excellent history of the Council of Constance, informs us, that these prelates honoured the arrival of the Emperor Sigismund in that city, in order to assist at the Council, by the performance of a sacred comedy, relating to the earliest history of the Saviour, which was, moreover, acted on a Sunday.

‘Tout le monde s’empressa dans cette occasion à lui donner des témoignages publics de son zèle et de sa gratitude. Les Anglois se signalerent entre les autres par un spectacle nouveau, ou au moins insité jusqu’alors en Allemagne. Ce fut une comedie sacrée, que les Evêques Anglois firent représenter devant l’Empereur le Dimanche 31 de Janvier 1417, sur le naissance du Sauveur, sur l’arrivée des Mages, et sur le Massacre des Innocens. Ils avoient déjà fait représenter la même piece quelques jours auparavant, en presence des Magistrates de Constance et de quantité de personnes de distinction, afin que les acteurs fussent mieux en état de faire bien leur rôle devant l’Empereur.’

Similar performances were frequent until the Reformation, when the theatre was applied, and probably with great effect, to a very different purpose. Many comedies were invented at that time, and patronized by the government, of which the object was to ridicule friars and pardoners : But they had their revenge ; for the Puritans, whom the Reformation raised up, carried their dislike of Popery so far, that, mistaking the green curtain for a rag, as well as the royal purple, they abolished both the kingly government and the playhouse. The scriptural Drama was destroyed by the Reformation ; the allegorical sur-

vived, and the scholastic ; the latter kind continued to be frequently performed at the universities and other places of education. The most celebrated work in this line was the well-known comedy written in Latin by Ruggles,—which the University of Cambridge ‘acted before the Majesty of King James,’ our most pedantic King,—the *Ignoramus*, which gave so much offence to the common lawyers, because they richly merited the satire it conveyed, and felt the truth of the harsh but just remark of the English translator, who says in his preface, ‘ If the Latin ‘ tongue were ever the language of the beast, it is in the mouth ‘ of these persons.’

‘ Sive decennali facundus lite patronus  
Detonat in culto barbara verba foro.’

says Milton, on the same subject, and thus sums up the whole sin of the lawyers of those days. Their words were certainly barbarous ; but so long as they confined themselves to the Latin, they avoided the horrible prolixity of style in which they have since indulged. As to the style in which the theatrical representations were got up in England formerly, it is not easy to arrive at a satisfactory conclusion. We read one while of ‘ the plain and ‘ incurious judgment of our ancestors being prepared with fa- ‘ vour, and taking every thing by the right and easiest handle ;’ and that ‘ they were willing to take things in the best sense ;’ at another, that Lewin and Allin, Taylor and Pollard, who lived before the troubles, were as much superior to Hart, Mohun, Lacy, Clun, and Shatterel, as *they* were to those who followed them ; and it is urged, that ‘ it is an argument of the worth of ‘ the plays and actors of a former age, and easily inferred, that ‘ they were much beyond ours in this, to consider, that they ‘ could support themselves merely from their own merit, and ‘ the weight of the matter and goodness of the action, without ‘ scenes and machines ; whereas the present plays, with all that ‘ show, can hardly draw an audience.’

It is probable that the imagination of the spectator could without difficulty dispense with scenes, particularly if the surrounding objects were somewhat removed from the ordinary aspect of every-day things ; if the performance were to take place, for example, in the hall of a college, or in a church.

The costume that prevails at present almost universally, is so barbarous and mean, and it changes in so many minute particulars so frequently, that it is impossible to conceive the hero of a tragedy actually wearing such attire. A more picturesque dress seems therefore to be indispensable ; but the essentials of the costume of any time, from which dramatic subjects could be taken,

are by no means costly. All that is absolutely necessary in vestments to content the fancy, might be procured at a trifling expense, and the hero or heroine might be supplied with the ordinary apparel of Greece, or Rome, or of any other country, at a small price: We must carefully distinguish, however, between the necessaries and the luxuries of deception; the form, and sometimes the colour, demand a scrupulous accuracy; the texture is always unimportant. We may comprehend, therefore, how the old English theatre, notwithstanding the small outlay on decorations, by a strict attention to essentials, possessed considerable attractions; we may readily believe, that there were many companies who were maintained by their trade; ‘that all those companies got money and lived in reputation, especially those of the Blackfriars, who were men of grave and sober behaviour.’

Our literature is remarkably rich in old dramas; but they are of little use to the present age. Fastidiousness and hypocrisy have grown for many years, slowly but surely, and have at last arrived at such a pitch, that there is hardly a line in the works of our old comic writers, which is not reprobated as immoral, or at least vulgar. The excessive squeamishness of taste of the present day is very unfavourable to the genius of comedy, which demands a certain liberty and a freedom from restraints. This morbid delicacy is a great evil, for it renders the time of limitation in all comic writings exceedingly short. The ephemeral duration of the fashion, which is all the production of a man of wit can now enjoy, discourages authors. There is no motive to bestow much care on such compositions, and they fall below the ambition of men of real talents—for the best part of the reward of literary labour consists in the lasting admiration of posterity; and as some new fastidiousness will consign to oblivion, in a short time, every comic production, it is plain that such a reward cannot be reasonably anticipated. We are more completely, than any other nation, the victims of fashion. Every thing here must either be in the last and newest fashion, or it must cease to be. The despotism of fashion in dress, in furniture, and in the pattern of the edges of plate, is perhaps inconvenient—it is, however, not very important; but it is a cruel grievance that it should interfere with and annihilate an entire department of our literature.

It is no easy matter, unfortunately, to resist this land-flood; it is possible to submit to be antiquated in taste, but it is impossible to agree to be considered vulgar, or perhaps even immoral.

Restraints are multiplied daily; and they diminish the ex-

tent of the empire of comedy; and whenever restraint becomes perfect and absolute, then comedy ceases. Where is the comic theatre of the Quakers? Into that respectable society, in which every action, word, look, and thought, are exactly regulated by rigid and unbending rules, the light jest can never enter. The comic has been defined as a deviation from decorum, without pain; but where the habits have been formed by the severe laws of the modern Draco, the mild Penn—where all departures from the order are of prodigiously great, if not of equal importance, there can be no deviation without pain. One plait more or less, in the border of a cap, the slaty hue of the garment one shade too light or too dark, will cause a groan as deep and loud as the murder of a parent. Yet no one of these offences would be punished with death by a quiet Quaker legislator—or esteemed a proper subject for comedy, which would be considered as unwarrantable as an execution. No great offender would appear on the scaffold, no small delinquent on the stage: But both criminals would be sentenced to undergo a punishment precisely the same in kind, and differing only in duration—the unsocial infliction of hard labour, solitude, hunger, and prayers, in some drab-coloured penitentiary. Since these very uncomfortable modes of augmenting the sum of human happiness have been prevalent, and the puritanical practice of enforcing decency, not by laughter, but by frowns, has been in the ascendent, the Comic Muse has seen but bad days. In old times she was more fortunate in England, as well as her Tragic sister.

If our own country be entitled to the first place, we must assign the next to Spain, in dramatic excellence; and we will offer, therefore, a very few observations on the Spanish Drama. It was in the 16th century that this theatre reached its greatest excellence. It is said that the works of much earlier writers are extant; but there are no means in Great Britain of seeing them, or forming an estimate of their merits. Cervantes, Lope de Vega, Calderon de la Barca, Moreto, Tellez, Roxas, and Solis, are the authors of the most esteemed dramas; there are several other writers of less renown, but of great worth. The grand and distinguishing characteristic of the Spanish theatre is a wonderful fertility and variety of invention. It is most probable that the inventive turn of this nation was of Eastern origin; for the East was the native country of marvellous inventions. The Arabians and Persians are possessed of a rich and poetical literature, but they have no drama. Is it because their religion forbids creative imitation? They will not make statues, or pictures of animals, because they fear that at the day of judgment they will be compelled to find souls for all

the forms they have made. Are they afraid, therefore, that they will be obliged to supply all the characters they may invent with souls out of their own, or have they other objections? In India, the *Drama* once flourished; the *Sacontalà* has been called delightful by those who have read it in the original Sanscrit. It is not fair to judge from the translation of Sir William Jones; for he could render tame the wildest genius, and possessed the power of making insipid whatever he touched. In times of oppression and barbarism, as we choose to call them, this and other plays were represented; but in the present days, India being free and happy, as all who are interested in making the assertion loudly proclaim, we do not hear that the natives enjoy the theatre, or any other diversion. The Chinese have always had a theatre; and it has been conjectured, that in the establishment of arbitrary rules, and the delicate observance of insignificant points of decorum, they most probably leave even the very correct French very far behind them. But to return to Spain—we are inclined to believe that the Spaniards learned of the Moors their chivalric nobleness of sentiment; at least we find many traces of it in the histories of the Mahometans; and the people of the North were certainly as incapable of teaching it, or any civility, or refinement, as a herd of swine. The Spanish theatre is remarkable for a high tone of morality; and, as in the Greek Drama, there is a wonderful force and warmth of domestic affection. In the whole of their poetry, indeed, we meet continually great beauty, and great quaintness; or at least what appears so, to a people of a different temperament. We seem accordingly to perceive something of this also in the writings of the Greeks, and we occasionally even find in them sentiments and expressions, which seem in these days whimsical, if not actually ridiculous. There is, moreover, something fantastic in the high and intensely honourable feelings of the magnanimous personages who take part in the action,—something, at all events, not quite comprehensible to men who live and toil in a busy mercantile age. As to the style, the language of the Spanish Drama, in the classical writers, is mere nectar. This glorious idiom, the fairest and favourite daughter of the Latin, like another Venus, is constantly attended by the Graces, and is most alluring when her native charms are least concealed by extrinsic ornaments. Their dramatists have sometimes a good store of quirks and quibbles, but fewer than our own Shakspeare; these are the fault of the times, and may truly be called spots in the sun. The great fertility of the principal Spanish dramatists, as well as many other peculiarities, have been made known so universally by Lord Holland's agreeable and instruc-

tive biographical works, that it is quite unnecessary to repeat a tale that has been already so well told.

The illustrious name of Cervantes stands at the head of the list of writers; but we have two only of his pieces, and they are not highly prized. It seems to us, with all deference to critics who are better qualified to judge correctly, that they are commonly rated too low. The one is a Tragedy, called '*Numancia*', which has for its subject the taking of the city of Numantia by the Romans. Without entering into the details of the execution, we will simply ask those who are disposed to detract from its merits, to name a drama, in which pity and terror, the means by which tragic effect is to be produced, are more forcibly excited? The other piece, which is entitled 'The Way of Living at *'Algiers*', '*El Trato de Argel*', must disarm the severity of criticism: For who can censure, on account of a breach of certain arbitrary rules of art, this charming picture of real life? It relates the affecting tale of the captivity of the author and many of his gallant countrymen; and genuine sorrows are painted with a truth of colouring that nature alone can teach. It is unusual for an author to introduce himself in his own drama; but this Cervantes does by his name Saavedra, and with an excellent effect; it is not less uncommon for a dramatist to bear an important part in adventures so romantic and so well adapted to the exigencies of his profession. Calderon is the prince of Spanish poets; his numerous comedies attest his wonderful and various powers. It is not to be forgotten that, in Spain, comedy is of a graver cast than elsewhere; gravity, indeed, is so essential, that one of their dramatic writers seems to consider a grave countenance as indicative of his nation:

‘Yes un mozo  
De rostro grave, y de nacion Hispana.’

It is not on his comedies, however, that the fame of this wonderful genius principally rests. The most celebrated of his pieces are of a more solemn nature; we mean his '*Autos*,' or Sacramental Acts: which were dramas on sacred subjects, represented on the great Feast of *Corpus Christi*, of a most mysterious and deeply devotional cast. It would far exceed the compass of the present portion of the subject to convey an adequate idea of these remarkable performances; we have only alluded to them in confirmation of the doctrine we have before advanced, that the Drama is intimately connected with Religion, and not opposed to it, as the vulgar of different ages and countries have sometimes ventured to maintain; on the contrary, wherever it has been most successful, it has been found in the closest and most perfect union. The five most celebra-

ted of the Spanish dramatists actually became monks ; viz. Lope de Vega, Calderon, Moreto, Tellez, and Solis. In more modern times, the task of supporting the ancient glory of the Spanish stage rests upon Moratin ; to this he is quite inadequate, but he is not devoid of merit.

There is much that is interesting in the theatre of the Italians ; the Comedy of Art, as their extemporaneous comedy is called, is peculiar to Italy. The plan of the drama is accurately laid down, and some whole passages and important scenes are carefully written ; but the rest of the canvass is filled up at the will, and according to the means, of the performers. It consequently resembles a speech, of which the general design has been maturely considered and arranged, and certain portions have been composed, perhaps even written down and committed to memory, while the remainder is a spontaneous effusion, skilfully and judiciously adapted to the circumstances under which it is delivered, and rigidly confined to the method which had previously been devised. This kind of drama has long been a great favourite with the Italians, and, if we may judge from the specimens which Gozzi has given us, we cannot but applaud their taste ; we cannot doubt that the effect of a clever performance, like that of a good speech, which is partly composed by premeditation, and partly *extempore*, is often exceedingly powerful. In the comedy of art, masks are adopted ; or we may say rather, that they have retained this part of the ancient practice—at least as to the principal characters, which, as in some of the older representations, are introduced in every piece, and are deemed indispensable ; they are not a little fantastical and extravagant. This, and some others of the scenic diversions of the South of Europe, are almost unknown in the North ; and it might be well, perhaps, to give a detailed account of them on another occasion : But they are not to the present purpose.

The French are rich in excellent comedies ; we only mention their tragedies ; that we may enter our protest against the assertion which misguided people frequently make, that they closely resemble those of the Greeks. They are no more like them, than a French marquis, arrayed in his full dress, and ready to dance a minuet before Louis XIV., was like Apollo Musagetes ; or Madame, his charming and fashionable marchioness, when about to shine at the same brilliant court, was a counterpart of the simple and severe Minerva. They are, in truth, very bad imitations of very bad models—of the tragedies of Seneca : they are bad things made infinitely worse. Our own taste, in many respects, is sufficiently unclassical ; but we retain

enough of the antique simplicity to be quite unable to endure productions, that would be of all writings the most intolerable, but that the dramatic form always imparts a degree of vivacity. Tiresome as the French tragedies are, they are less tiresome than epic poems would be. Difficult it is, no doubt, to read many of the tragedies of Voltaire; but it is far more difficult to wade through the *Henriade*, and a narrative poem by Alfieri would undoubtedly be still more repelling than his 'crude and sere' tragedies.

Our worthy friends and kinsmen of Germany have invented for themselves a strange sort of theatre, with which they are wonderfully delighted; one or two of their most celebrated pieces have been translated, and have been not only endured, but successful. It would be hard to deny the praise of genius to Schiller: But we must confess that we thought *Wallenstein* tiresome. Their lighter pieces—for, in comparison with two or three denser bodies, even lead is a light substance—seem wonderfully ponderous to pygmies like ourselves. In their serious works they are less happy than any other nation—being cold and phlegmatic when natural, and, after great labour and with much apparent art, they become, for the most part, only monstrous and extravagant. They assert that the Greeks attained their comic greatness by dint of severe exertion. It may be so; and as the ways of Providence are dark, the Germans are perhaps fated to arrive at an exquisite and most elaborate facetiousness. But, until this transcendent mirth shall be worked out, we shall content ourselves with the results of their erudition, which are sometimes more satisfactory. These ingenious and hardworking people toil incessantly to draw up truth from her deep well. After unceasing efforts, by many turns of the windlass, and having eagerly watched scores of fathoms of dripping rope, instead of bringing to light a naked goddess, they very carefully land another bucket of water!

We cannot conclude our hasty sketch of the principal theatres of modern Europe better than by borrowing the remarks of an acute Italian writer, who observes very justly, that of whatever nation the imaginary characters in a drama may be, they will be always, in many respects, and fundamentally, the countrymen of the author. 'In those French tragedies,' he says, 'which treat of the palaces and princes of various nations of antiquity, we may always trace a certain air of the brilliancy, the politeness, the refinement, and the gallantry of the Parisian court. Whenever the kings and royal personages of the Greek tragedy are represented by the French, they appear totally

' different beings. Agamemnon, Clytemnestra, and Iphigenia, seem to be Mon. Agamemnon, Madame Clytemnestre, and Mlle. Iphigenic. In the Spanish tragedies, ancient characters and people of different nations display, notwithstanding something of punctilio and restiveness, a certain sensitiveness and haughtiness, which discover the national disposition, and prove that their Achilles is Don Achilles.'

' There are few Italian translations of the tragedies of the English; but the Cato of Mr Addison exhibits the character of that nation, in a certain deep and profound way of thinking, and in a certain unattractive carriage, that are ill-suited to the facility of manner of the Romans, and all the persons of this drama seem to be English gentlemen.'

It is time, however, to return to the point from which we have apparently somewhat digressed, and to enquire, why the theatre is so little encouraged at the present day? The festivity of the people of England has been destroyed;—in what manner, and when will it be restored? It is not impossible that the erroneous notion, that the drama is hostile to religion—a notion adopted through ignorance of the real objection of the fathers of the church, who originally abused dramatic representations, not because they were dramatic, but because they were idolatrous—has in some degree injured the theatre, and interrupted its prosperity. The shutting the theatre for thirteen years by the Puritans was no doubt a distinct and public acknowledgment that the sky was too small to hold two suns—that the conventicle and the playhouse could not subsist together: that if comedies, such as Ben Jonson's Bartholomew Fair, could be heard at the latter place, sermons would not be heard at the former: in short, that unless they were too much for ridicule, it would soon be too much for them. But this extravagance of fanaticism could not produce any permanent effect. We are inclined to attribute the evil, therefore, to another cause, which we have already named; that our *θεωρία* have been applied to other purposes. The fund which would have enabled us to pay our way into the playhouse, has been dissipated, directly or indirectly, and various and great impediments have been opposed to our entrance, by the same authority. A distinguished jurist, who has carefully examined the constitutions of most of the countries of Europe, and that of Great Britain amongst the rest, wisely remarks, that the benefits of a representative system of government, and of the trial by jury, however transcendent, may perhaps be outweighed by the evils arising from a blind and selfish submission to the insane fury of excessive taxation, and of inordinate legislation: If we have many institutions admirably adapted to favour theo-

retical liberty, we have at least as many that assist equally well the cause of practical oppression.

By taxes innumerable, imposed **immediately**, and through every medium by which man is assailable, an universal poverty is created in the midst of affluence, and the private θεωρίαν of each individual is absorbed ; the shilling which remains to him after satisfying his more pressing wants, and would serve to gratify his desire for amusement, by procuring his admission into the gallery of some playhouse, is extracted from his pocket by a tax-gatherer before he reaches the door ; and is most equitably bestowed upon that minister for the trouble of detecting it. It may be urged, that the shilling only changes masters ; but its new possessor is too busy in laying informations, in taking and tendering oaths, in making permits, seizures, and surcharges, and in being assaulted and obstructed in the execution of his duty, to find time to enjoy fictitious distress.

This, however, is a rude kind of taxation, and betrays the helpless infancy of the art ; a spare shilling rarely finds its way now to any man's pocket ; the theatrical fund is intercepted higher up the stream, and commonly at the fountainhead, as soon as it rises out of the ground. The amount that is extracted from us by varied and complicated taxation, is not only enormous, but many of the details create innumerable vexations, and interfere greatly with the diversions of the people. It is by no means the same grievance, that the same sum should be raised by one tax as by another ; by a tax on income, if such a tax could ever be fairly levied, and by one on consumption. If, for example, the price of wine were raised to a guinea a-bottle, a man of small fortune, who had a friend to dine with him occasionally, might still continue his hospitality without contributing more to the state than he would if he paid a sum annually, that was imposed upon him under some fiscal name, or without one ; but as he would feel that he could always avoid the tax, by not using the taxed article, if he were prudent, he would often hesitate, and sometimes forbear, from inviting his friend, being of course ashamed to seek to enjoy his society without producing one social bottle at the least ; and thus the ancient intercourse of mankind would be interrupted, and the hospitable Jupiter offended at the impious imposition. An indulgent father, and indeed every father, desires that his children should have a competent supply of toys ; but, if playthings were heavily taxed, although the sum he would pay, if he still continued to purchase the same toys as before, might not be great, and if there were no other tax, he might consider himself fortunate, yet as it

would be so easy, at least for the father, to save it altogether, the toymen would soon be compelled to seek another employment. If a tax of five guineas were laid upon each doll, and if, according to the humane and considerate spirit of our revenue laws, it were made high treason in the nurse and babe, and a capital felony in all aiders and abettors, to play with an unstamped doll, that wooden instrument, upon which the maternal affections are made up betimes, like a shoe on a last, would soon become very scarce; and in the next generation nothing would seem more natural, than an unnatural mother; we should find one Medea at least in every street. But it is not cruel, they say, to tax mere luxuries and amusements. Alas! what induces men to submit to live every day upon necessities, but the hope of sometimes indulging in a little luxury? what tempts any one to bear with his elders and his superiors, who are necessarily so grave and so solemn, and to endure to inhabit the same world with men who are wiser and better than himself, but the expectation that some day or other they may make amends, by giving him cause to laugh at them a little? It is the distant hope of diversion at some future time that keeps us all alive. Nor is taxation the only impediment that authority throws in the way; our most illogical magistrates, exercising freely the faculty of simple apprehension, no other judgment than the legal, and no reasoning whatever, have long carried on, but too successfully, a war of extermination against minute theatricals, against Punch, and all puppetshows, horsemen, and mountebanks; and they send Mr Merryman to the treadmill whenever he appears, in order to preserve unsullied the morality of the lower classes—that they may guzzle muddy beer for the benefit of social order at public houses, duly licensed, to promote the interests of genuine piety, and their proprietors, the porter-brewers.

With our uncertain climate and dirty streets, a carriage is as necessary for many persons to take them to the theatre, as a bench to sit upon, when they arrive there: But carriages, horses, and drivers, have long been the devoted victims of the perverse and insane zeal for taxation, by which British legislators are distinguished. It would far exceed the limits within which the present article must be confined, barely and briefly to enumerate all the impediments and obstacles, that in long succession have been interposed between the free citizen of moderate fortune and the use of a carriage.

In many countries the government actually expends large sums on the theatre. In other states, the rulers of which we are apt to stigmatize as tyrants, much money and great attention

are bestowed to facilitate and encourage the amusements of the people. Such a disposition of the public treasure is, no doubt, contrary to the genius of our constitution ; it is not to be expected or desired ; but we may reasonably demand, that the sources of innocent, or rather of instructive recreation, should not be dried up rashly, or wantonly diverted by unjust and pernicious interference. The Barons of the Exchequer at Westminster, some years ago, decided, that the scenes of the theatres are painted canvass, precisely the same as floor-cloth, and as such were liable to pay a heavy duty ; and consequently that a scene could not be painted without rendering the house at all times subject to the irksome visits of the exciseman. After a long argument, the Chief Baron, who professed to be a judge of paintings, as well as of revenue cases, declared that a scene is a floor-cloth ; and the three learned Barons repeated his words, like the Echo ! This decision seems so incredible, that no one but an actual hearer can be expected to believe it. It was not perhaps of much importance in itself, but it illustrates the feelings of our rulers towards the stage. We ought not, it is probable, to censure the learned judges in this case ; the statutes that inflict our taxes upon us, are penned with such large words, that they are rather snares and drag-nets, than laws ; no one, who has not consulted them with the vain hope of relieving some victim, can have an adequate notion of their inextricable mazes, or of the grasping interpretation they have long continued to receive. There were more theatres in London formerly, in proportion to the population, than in any other city in Europe ; now there are fewer ; for by an odious and unjust monopoly, the number is restricted : nor is this, however grievous, the only restraint to which the Drama is subject.

It is fit that a private gentleman should have his chamber-maid, and that a king should have his chamberlain ; and in proportion as a king is elevated above a private person, his servants ought to be exalted above those of his subjects. It may be very proper, therefore, that his chamberlain should be a peer of high rank, and a great officer of state. It is not our intention to degrade an office which derives dignity from the august personage, on account of whom duties, in themselves insignificant, may become extremely honourable ; nor is it necessary, to advance our argument. It would not, however, be less improper for the chambermaid of a private gentleman to presume to determine what dramatic works might be admitted into the library of her master, or read by his family, than for the corresponding domestic in his Majesty's household, however illustrious he may

be by birth and in rank, to decide peremptorily what pieces are to be presented for the amusement of his Majesty's loving subjects, the free people of the British commonwealth. It is certain, that the Greek dramas were not licensed; we know, however, that the Spanish were, but not by the king's bedmaker, or by the chamberlain for the time being, but by a learned body,—by some convent of Dominicans. We do not look upon the government of Spain as very free; we arrogate to ourselves some advantages on the side of liberty over the Spaniards at least, but our theatre is more confined. They were subject only to the censure of learning; however illiberal it may have been, it was still learning; it was therefore of necessity under some restraints. That it might be consistent with itself, it must have laid down some rules for its own guidance, and a sensible writer could understand, that whatever was not hostile to the government or the church would pass: But ignorance and caprice have no bounds, and it is impossible for the most judicious, or the most practised author, to foresee the result, where chance alone is to decide. In this respect, therefore, we are slaves, even in comparison with the Spaniards. It may be urged, that it is nevertheless possible, that a Lord Chamberlain may be a competent judge of such matters. He may be, without doubt, and we have all the advantage of that possibility: he may even be conscious of his own inability, and may appoint a fit person as his deputy; he may always abide by and confirm his report, and the examination is of course always in fact executed by a substitute: But we must not forget, that it is impossible for one, who is himself incompetent to decide, to choose another well qualified to decide for him, for he is not able to judge of his qualifications; we have, however, the chance of his lordship's falling accidentally upon the right person. The very few writers, who are capable of producing dramatic pieces of real excellence, unfortunately estimate these chances so low, that, in the conscious pride of talent, they are unwilling to expose their works to such hazards. Good plays were frequently produced formerly; but it is now many years since a tolerable one appeared. We have had a few successful farces, in which coarse jests and extravagant peculiarities of character have excited laughter, chiefly because the most striking passages were well adapted to display the buffoonery of some favourite actor in the lower departments of comedy. It is long since a regular comedy of real merit was presented; and the few tragedies that have enjoyed even a partial success, have been remarkable only for insipidity, extravagance, or sometimes for both. The authority of the

Lord Chamberlain seems to have originated in the notion, (it may be termed a fiction of theatrical law,) that every theatre is part of the royal palace: but, notwithstanding this reverend falsehood, it would be much better to allow liberty of the stage, on the same footing as liberty of the press; for a free people, it is self-evident, have a right to demand it. Let there be no censorship, but let the proprietors and managers of theatres be responsible in the same manner, and subject to the same suits and prosecutions, whether public or private, as publishers of newspapers and other works: let them, in short, represent whatever they please at their own peril, and at the risk of being punished, if found guilty by a jury. The proprietors of a theatre must of necessity be known, and will most probably be responsible persons. Sermons and discourses, delivered in chapels, are not perused and licensed by any of the household; yet no inconveniences ensue from the omission, although whatever is uttered from the pulpit falls with a certain air of authority. What would be the value of our national literature, if every work were to be licensed by the Lord Chamberlain, or his Deputy, and the law were enforced as strictly as it is in theatrical pieces? would it amount to more than that part of some newspapers, which bears the imposing title of the ‘ Mirror of Fashion?’ If our playhouses are subjected to this control, for the good of the state, why are other public amusements exempt? why are not the paintings in an exhibition licensed, or the horses at public races? The decision that a bay, or a brown horse, might start, but that grey or chestnut are immoral colours, and that mares are of a misleading sex, would scarcely be more capricious than some of the regulations respecting the drama. By what singular good fortune are our private amusements unmolested? how are we free from an ordinance, proclaiming that a loyal subject may play at backgammon, but chess is dangerous to our allegiance, and injurious to church and state, for it induces a familiarity with kings, queens, and bishops, which, if it be not checked in time, may generate contempt? But to speak seriously, the question of the expediency of theatrical censorship is of so much importance, that it is worthy to be treated more fully on another occasion, or in another place.

Dramatic representations were formerly given, not only in Greece and Rome, but in England also, in the daytime, and in the open air. ‘ The Globe, Fortune, and Bull, were large houses, and partly open to the weather, and there they always acted by daylight;’ and plays were first acted in Spain in the open courts of great houses, which were sometimes

vered, in whole or in part, with an awning to keep off the sun. The word *sail*, which is used as a stage direction, meaning not *exit*, but he enters, i. e. he comes out of the house into the open air, is an evidence of the old practice. We are inclined to think that the morning is more favourable to dramatic excellence than the evening. The daylight accords with the truth and sobriety of nature, and it is the season of cool judgment: the gilded, the painted, the tawdry, the meretricious—spangles and tinsel, and tarnished and glittering trumpery—demand the glare of candlelight and the shades of night. It is certain, that the best pieces were written for the day; and it is probable, that the best actors were those who performed whilst the sun was above the horizon. The childish trash which now occupies so large a portion of the public attention could not, it is evident, keep possession of the stage, if it were to be presented, not at ten o'clock at night, but twelve hours earlier: Much would need to be changed in the dresses, scenery, and decorations, and in many other respects, in the pieces, the solid merits of which would be able to undergo the severe ordeal; and if we consider what changes would be required to adapt them to the altered hours, we shall find that they will be all in favour of good taste, and on the side of nature and simplicity. The day is a holy thing; Homer aptly calls it *ιερὸν ημέρα*, and it still retains something of the sacred simplicity of ancient times. It is, at all events, less sophisticated and polluted than the modern night, a period which is not devoted to wholesome sleep, but to various constraints and sufferings, called, in bitter mockery, Pleasure. The late evening, being a modern invention, is therefore devoted to fashion; to recur to the simple and pure in theatricals, it would probably be necessary to effect an escape from a period of time, which has never been employed in the full integrity of tasteful elegance; and thus to break the spell, by which the whole realm of fancy has long been bewitched. An absurd and inconvenient practice, which is almost peculiar to this country, of attending public places in that uncomfortable condition, which is technically called being dressed, but which is in truth, especially in females, being more or less naked and undressed, might more easily be dispensed with by day, and on that account, and for many other reasons, it would be less difficult to return home.

It is true, that in order to enable the mass of mankind to visit places of amusement by daylight, the salutary notion that was held by our forefathers, but has unhappily been long exploded, must be revived, that it is possible for the sun to be above the horizon, and yet for man not to be at work. That inesti-

mable institution of the olden time, the holiday, must be restored. If Sunday were abolished, it is manifest that not another pound of sugar, not another ounce of tea, not another nutmeg, not another fig, would be sold ; at present people purchase all they want of these articles, and have the means of paying for ; fewer groceries would be bought on week days, and these would be purchased on Sundays ; the grocers, therefore, would have one-seventh part more trouble, and not one farthing more profit. In like manner, if, by an agreement amongst themselves, or by a statute, the shops of grocers were shut on one other day in every month, fortnight, or week, as much of their wares would be sold as ever ; the business that would have been transacted on the new holiday, would be done on one of the remaining days : some ease would be gained, and no custom lost, by the whole company ; and so would it be with all shopkeepers, and with many other classes of trades,—with more than any one would suppose, who does not enumerate them. It is no inconvenience to the public that nutmegs and pepper cannot be procured on a Sunday ; nor would it be if the same disability was extended to Wednesday. It would, however, be very incommodious if there were only one day in the year on which spices could be transferred. This is the *rationale* of holidays.

In occupations where the constant unremitting labour of the hands is required, it is somewhat different. Whilst the saw and the shuttle are still, the gains of the joiner and weaver stop also ; but, if there be an adequate motive for vigorous exertions, every one must have observed, that in mechanical arts, although it may not be possible to put the labour of a month into a week, it is very easy to do the work of ten days in nine. A holiday that has been spent in an agreeable and rational manner, has an invigorating effect, and the anticipated holiday is still more animating ; besides, unceasing toil is injurious, and an excess in labour, like all other excesses, is mischievous, and destroys the power of labouring. It has been conjectured, with some probability, that if Sunday were applied to the same uses as the remainder of the week, the quantity of work that would be performed would, on the whole, be rather diminished, than augmented. Our domestic animals require rest ; a sensible man who employs horses in daily work, keeps a few supernumeraries, that he may be able to give an occasional holiday to his cattle. If this respite be necessary for creatures unencumbered with mind, it is still more so for rational beings. The proverb says truly, ‘That constant work makes a boy dull ;’ and it is the quality of dulness which is generated by toil unmitigated by

rest and recreation; those faculties that ought to be sharpened to the utmost are blunted, and there is a partial death of the finer and more valuable powers: By injudiciously exacting too much, a race of intelligent servants may be converted into stupid slaves. It is not unlikely that the drama would be more successful if it were conducted more plainly, and in a less costly style. The perfection of the machinery and scenery of the modern theatres, seems to be unfavourable to the goodness of composition and acting; since the accessories are so excellent, the opinion is encouraged, that the principals are less important, and may be neglected with impunity. The effect of good scenery at the first glance is, no doubt, very striking, but it soon passes away. If we saw a Garrick acting Shakspeare in a large hall, without any scenes, we should cease in a few minutes to be sensible of the want of them. We are almost disposed to believe, that exactly in proportion as scenery has been improved, good acting has declined.

The present age is too much inclined to make human life, in every department, resemble a great lottery, in which there are a very few enormous prizes, and all the rest of the tickets are blanks. The stage has not escaped the evil we complain of; on the contrary, it is a striking instance of the mischief of this unequal partition. The public are of opinion, that it is impossible to reward a small number of actors too highly, and to pay the remainder at too low a rate; to neglect the latter enough, or to be sufficiently attentive to the former. On our stage, therefore, the inferior parts, and indeed all but one or two, and especially in tragedies, where the inequality is more intolerable, and more inexcusable, are sustained in a very inadequate manner. In foreign theatres, on the contrary, and especially in France, the whole performance is more equal, and consequently more agreeable. There is perhaps less difference than is commonly supposed between the best performers and those in the next class. Whatever the difference be, it is an inconvenience and an imperfection that ought to be palliated; but we aggravate it. The first-rate actor always does his best, because the audience expect it, and reward him with their applause; but no one cares for, or observes, the performer of second-rate talents: Whether he be perfect in his part, and exert himself to the utmost, or be slovenly and negligent throughout, he is unpraised and unblamed. The general effect, therefore, of our tragedies, is very unsatisfactory; for that is far greater, where all the characters are tolerably well supported, than where there is one good actor, and all the other parts are inhumanly murdered. This latter is too often the case

on our stage, for with us art does little, nothing being taught systematically. The French players, on the contrary, are thoroughly drilled, and well instructed, in every requisite.

Having already exceeded the bounds which we had prescribed to ourselves, we must withhold many observations that occur to us, and conclude with a very few remarks on the work at present before us. The author filled the very troublesome office of manager of the Opera-House for seven years; we are sorry to say—for he was also lessee, or proprietor—with a considerable pecuniary loss. He consumed in this unfortunate speculation the property which he had earned as a bookseller; and he has informed his fellow-creatures in an octavo, and in a very legible type, embellished with many lithographic portraits of the sirens of the Haymarket, in what manner this was effected, and has related at length the perils and damage he suffered upon—we borrow his own phrase—‘the ocean of management.’ Every man, in every Protestant country since the Reformation, has been at liberty to be a prophet, if he pleases; or at least to be the head of an infallible church, although his church may chance to be one and indivisible, and to consist of himself alone. When divine learning was thus placed within the reach of any man, it was not to be imagined that mere human learning would be considered as less easy of access. We have consequently had a large supply of self-taught, or rather self-constituted literati, in all departments of knowledge. The successful draper, whether of linen, woollen, or cotton, is not ashamed to prescribe the best methods of legislation; and the attorney dictates from the top of his high stool, *quasi e cathedrā*, the most correct scheme of classical education. Any one, of course, can make laws and administer them; and any tradesman can write a book, especially a bookseller, for he has sold and handled so many: Yet would a cheesemonger hesitate long before he made a cheese: it must be much easier, therefore, to make a book.

If a man of letters were to take upon himself to serve in a shop in Bond Street, Mr Ebers would no doubt be shocked, and with reason, at his gross ignorance of the first elements of the science of the counter. How many inaccuracies would Plato or Aristotle commit, in wrapping up a parcel of books; how languid and spiritless their mode of tying it would be; how rudely and unsymmetrically would either of these inexperienced persons roll up half-a-quire of Bath letter-paper, especially if it were necessary to enclose a sixpenny stick of sealing-wax in the middle; how incorrectly and inconclusively would he twist up, in a scrap of paper, the halfpence given as change! Our worthy

bookseller, in short, must be aware that an apprenticeship of seven years is required to learn his first and most thriving trade ; he ought not, therefore, to undervalue so much the callings of other men, as to resolve, all at once, to be not only an author, but an eloquent one ; and to dash into such strains as the following :—He is speaking of *Ronzi de Begnis*. ‘ Who does not ‘ know her as the model of voluptuous beauty ?’ asks the oratorical tradesman. ‘ Perhaps no performer was ever more enthusiastically admired. Her beauty came on the spectator at once, electric and astonishing. You did not study her, nor trace out feature by feature, till you grew warmed into admiration ; one look fixed. Her personal perfection took the more sure hold, because it was not of the ordinary stamp. Her features, but not her complexion, were Italian. The characteristic of the latter was a fairness, so perfect as to be almost dazzling ; the more so, because so palpably set off by the glossy blackness of her hair. Her mouth was so delightfully formed, that she took care never to disfigure it ; and whatever she sang, she never forgot this care. Her figure, if a thought more slender, would have been perfect ; perhaps it was not the less pleasing because it inclined to exceed the proportions to which a statuary would have confined its swell. The form, when at rest, did not seem a lively one ; but when in action, it appeared perfectly buoyant, so full of spirit, so redundant with life ! The exquisite outline of her swelling throat, pencilled, when she sang, with the blue tinge of its full veins, admitted of no parallel—it was rich and full—in effectual terms to convey an idea of its beauty. But ‘ to be thought of justly, she must be seen.’ The nonsense of the worthy bookseller, it is just to remark, does not always take such lofty flights ; the waves of ‘ the Ocean of Management’ do not always swell to such a vast magnitude ; the puff-paste is not always wrought by this plastic hand to such a giddy elevation : he sometimes condescends to walk his Pegasus over the stones, and to talk to humble foot-passengers in the style of an ordinary mortal. At those cool moments, being neither very servile nor very consequential, for one who has been a manager for seven years, he is instructive ; and he supplies much valuable information, which we should not be able to derive from any other work.

The details of the expenses of a great theatre are very curious ; they confirm in every particular the views that we had previously taken of the subject ; and if we could enter into them now, they would illustrate and corroborate the speculations in which we have indulged as to the probable causes of the gradual decay of the Drama in this country, and its pre-

sent degradation. The price of admission to the Opera, in most foreign countries, is very moderate, but a part of the expense of the establishment is borne by the government. To require the expenditure of the public money for such a purpose, would be to ask too much; but it is not just that such a formidable list of heavy taxes should be levied on the amusements of the people, as are enumerated in this volume. The royal visits are very costly, and the whole of the cost is defrayed by the theatrical funds; that is to say, it increases the price of admission, and is paid by all who frequent the theatre. This is surely paltry; it does not sound well, if the fact be stated nakedly and plainly, that the Royal Family can only visit our theatres, if they will consent to share in the hardly-earned *δεωγικά* of chimney-sweepers and others, and will agree to be treated by a subscription of farthings amongst the pot-boys in the upper galleries. We find that the police and the military guard is expensive. The former surely ought to be furnished gratis; and if the latter be necessary, those who have the command of soldiers ought to be grateful to ingenious persons who will contrive to give them any employment. We read of a considerable charge also for licenses; it may be expedient, in order to maintain the externals of Majesty, and to secure and reward the services of a suitable Lord Chamberlain, to bestow an ample salary on that officer; but it is highly improper that any emolument should accrue to himself, or his deputy, from licenses, so long as it shall be deemed right to decide officially, that such a piece ‘does not contain in it any thing ‘immoral, or otherwise improper for the stage;’ the power of granting or withholding it is sufficiently oppressive in itself, and ought not to be made more burdensome, by being accompanied with pecuniary exactions. There are numerous proofs, although we cannot at present find time even to allude to them, contained in the volume, to which we refer all who are interested in such matters, that show clearly, that many and great changes in the system hitherto pursued towards the theatres are absolutely necessary. ‘Since things alter for the worse spontaneously,’ they are the words of Bacon, ‘if they be not altered for the better designedly, what end will there be of evil?’

ART. IV.—*Maltster and Brewer's Guide.* Pp. 170. London, 1829.

WE have been accused of hostility to the agricultural interest: But no imputation was ever more unfounded. The agriculturists form a large and most important portion of the community; and we have always been most anxious for their prosperity; though we certainly would not advance their interests at the expense of others. We would secure to them whatever advantage can be derived from the fair exercise of their capital, skill, and industry; but we cannot be persuaded to go a step farther. In this respect we have no biasses; and the most exclusive devotion to their interests would lead to the same conclusion. For, in truth, there can be no real and lasting prosperity unless it flow from fair and free competition. And on this ground, were there no other, we should object to the corn laws. They subvert that equality of protection to which all individuals and interests are justly entitled, in so far as they profess to benefit the agriculturists, by compelling the other classes to pay an artificially enhanced price for their food. But our objection to the corn laws does not stop here. It has been shown again and again, that they flatter the agriculturist with hopes of advantage which they cannot realize; that they occasion ruinous fluctuations of price; and are not less hostile to his real and lasting interests, than to those of the rest of the community. Let it not, therefore, be said, that we are inimical to the agriculturists because we are opposed to these laws. We would not have them to waste their energies in vain attempts to grasp at a monopoly which is really unattainable; and which, if attained, would certainly end in their ruin. But let them endeavour to improve their condition by the removal of those vexatious and unnecessary restrictions which still affect their industry, and they will find that they may reckon us amongst their most devoted and faithful allies.

Had the attention of the agriculturists not been wholly engrossed by the delusive phantom of protection, they would certainly have exerted themselves more strenuously to effect a change in the amount and mode of charging the duties on malt and beer, and in the licensing system. These are matters in which all classes of the community, but more especially the agriculturists, have a deep interest. The preparation of malt, and of the various beverages derived from it, is one of the most extensive and important manufactures carried on in the kingdom. The raw material

is wholly of native growth ; and a large proportion of the produce should, we think, be regarded more as a necessary of life, to the lower and middle classes, than as a luxury. And yet it is certain that this great manufacture is subjected to the most oppressive fetters and restraints. It seems, indeed, to have been set apart as a field, in which every dabbler in prohibitions and restrictions might make his *coup d'essai* : nor have any of those improvements that have been introduced into the legislation of other departments of industry been as yet introduced into this. Mr Slaney, a very intelligent and patriotic member of parliament, lately brought the state of the malting and brewing trade before the House of Commons, in a speech replete with useful information. He did not press his motion for a committee to a division. But we understand that the subject will be again brought forward early in the ensuing session : and we are anxious, by laying before our readers such information with respect to it as we have been able to draw from the speech of Mr Slaney and other sources, to assist them in coming to a correct conclusion as to the practical measures that ought to be adopted in relation to this business.

The process of malting is abundantly simple ; few changes have been made in it ; and it is still carried on very nearly as it was carried on by our ancestors centuries ago. It depends very much on the season, and the quality of the grain ; and is far more immediately and intimately connected with the prosperity of agriculture than any other manufacture. The supplies of barley, of which malt is made, are chiefly derived from light lands, or from those which are called rye lands, to distinguish them from clay or wheat lands. These light lands are naturally the least productive, although, through the application of capital and industry, they have been made to yield excellent crops. But had it not been for the demand for barley in the malting trade, there would have been comparatively little motive to cultivate light lands. Wheat, indeed, is occasionally grown upon them ; but barley is their staple and most suitable product. And those best acquainted with agricultural matters, seem to be unanimously of opinion, that to whatever extent the demand for barley might be extended, it might be very speedily supplied. It must also be borne in mind, that every fresh extension of the demand for barley would occasion a corresponding extension of the turnip husbandry, by which the fertility of the barley lands is preserved : so that an additional demand for barley would not only occasion an increase in its supply, but also in the supply of butcher's meat. Even

under the present ruinous system, the quantity of barley made into malt, amounts to about 3,200,000 quarters, which, supposing barley to sell at 32s., is equivalent to £5,120,000 ; and, as there is every reason to think, that under a better system the demand for barley for malt might be doubled or trebled, it is immediately seen that this question is one of the utmost importance to the agriculturists.

But besides the vast importance of the malting trade to agriculture, and to the numerous capitalists engaged in the manufacture of malt liquors, it is of still more importance to the happiness and well-being of the lower and middle classes. Malt liquor is to the labouring classes of England what the inferior sorts of wine are to the same classes in France—at once a necessary of life and a luxury. It invigorates and strengthens their constitution ; at the same time that it gratifies their palate, and elevates their spirits. The taste for it is universally diffused ; so that it may be fairly presumed, that in the event of its being easily obtainable, on payment of a moderate duty, its consumption would increase with every increase in the numbers and comfort of the labouring classes. But no such increase of consumption has, we are sorry to say, actually taken place. And it is a fact, that notwithstanding the vast increase of population, the more general diffusion of wealth, and the growing demand for most other articles of comfort and luxury, during the present century, the demand for malt liquor has remained about stationary since 1800 ! Surely we need not say, that the circumstances which have led to so extraordinary a result ought to excite the attention of every one who feels any interest in the prosperity of agriculture, or in the well-being of the labouring classes. And if it should be found that this state of things has been brought about, not by the poverty of the mass of the people, or by any preference on their part of that *liquid fire*, denominated English gin, to their old and favourite beverage, but by the oppressive taxes that have been laid upon it, and the still more oppressive regulations under which it is supplied to them, will any one pretend to say, that a system productive of such consequences—a system fatal alike to agriculture, to the revenue, and to the health, morals, and comforts of the great mass of the people, ought not immediately to undergo a thorough reform ?

To show that the consumption of malt has continued stationary for a very long period, we beg to call the attention of our readers to the following table, which we have extracted from the official returns printed by order of the House of Commons :—

*An Account of the Total Quantity of Malt made in England and Wales in each Year, from 1787 to 1828, both inclusive, the Rates of Duty, and the Total Amount of the Duty.*

Years ended 5th July.	Malt Quarters.		Rate of Duty.		Total Amount of Duty.		
	Qrs.	Bs.	s.	d.	L.	s.	d.
1787	3,409,104	7	10	6	1,789,780	1	2
1788	3,358,580	1	...	...	1,764,264	11	3
1789	3,031,314	2	...	...	1,591,439	19	7
1790	2,833,697	3	...	...	1,487,691	2	5
1791	3,489,876	2	12	6	2,138,908	14	1
1792	3,582,671	6	{ 12	6 }	2,142,950	12	10
1793	3,056,604	5	...	...	1,604,717	8	6
1794	3,194,768	7	...	...	1,677,253	13	2
1795	3,086,695	7	...	...	1,620,515	6	8
1796	3,517,758	4	...	...	1,846,823	4	3
1797	3,865,427	3	...	...	2,029,349	7	5
1798	3,370,431	6	...	...	1,769,476	13	4
1799	3,968,955	5	...	...	2,083,701	14	0
1800	1,810,089	3	...	...	950,296	18	5
1801	2,320,868	2	...	...	1,218,455	16	7
1802	3,792,297	6	18	8	2,642,040	6	11
1803	3,809,900	2	...	...	3,555,906	18	0
1804	2,602,724	7	34	8	5,772,412	9	0
1805	2,792,923	1	...	...	4,841,066	15	0
1806	3,435,990	0	...	...	5,955,716	0	0
1807	3,114,020	3	...	...	5,397,635	6	4
1808	2,800,787	3	...	...	4,854,698	2	4
1809	2,851,598	7	...	...	4,942,771	7	8
1810	3,035,401	4	...	...	5,261,362	12	0
1811	3,349,760	5	...	...	5,806,251	15	0
1812	2,332,336	5	...	...	4,042,716	16	4
1813	2,797,741	7	...	...	4,849,419	5	0
1814	3,263,785	5	...	...	5,657,228	8	4
1815	3,384,004	0	...	..	5,865,606	18	8
1816	3,281,929	3	...	...	5,688,677	11	8
1817	2,142,002	4	18	8	1,999,202	6	8
1818	3,307,866	5	...	...	3,087,342	3	8
1819	2,793,282	3	...	...	2,607,063	11	0
1820	3,066,894	3	28	0	4,675,506	8	10
1821	3,587,132	1	...	...	5,021,984	19	6
1822	3,143,873	2	20	0	3,714,691	12	0
1823	3,359,241	6	...	...	3,359,241	15	0
1824	3,492,384	0	...	...	3,492,384	4	0
1825	3,569,174	7	...	...	3,569,174	17	6
1826	3,689,783	7	{ 21	4 }	3,820,548	10	5
1827	3,418,974	0			3,532,939	8	0
1828	3,137,042	0			3,241,610	0	0

This table shows, conclusively, that the consumption of malt has been substantially stationary for about forty years !\* But it is evident, that had there not been some very powerful counter-acting causes, this singular result could not have taken place. The population of England and Wales, which, according to the Parliamentary returns, amounted to about 9,100,000 in 1801, had increased to about 12,100,000 in 1821; and it must, supposing the previous rate of increase to have continued, have amounted to about 13,300,000 in 1827; being an addition of 4,200,000 persons, or of 46 per cent to the population existing in 1801. The quantity of malt manufactured in 1800 and 1801, was, owing to the scarcity of those years, considerably below an average; but the consumption of 1802 and 1803 amounts, at a medium, to very near 3,800,000 quarters, or 30,400,000 bushels, being, at an average, a supply of *three bushels and twenty-one pints* to each person. Now, it is plain, that had the consumption not fallen off, the quantity of malt consumed in the year ending the 5th of January, 1828, ought to have amounted

\* In point of fact, the consumption of malt has been stationary for about one hundred and twenty years. It is estimated by the very well-informed Mr Charles Smith, in his Tracts on the Corn Laws, (2d ed. p. 199.) from the accounts of the produce of the malt tax, that the quantities of malt used for home consumption during the *fifty* years ending with 1753, were as follows: viz.—

Years.		Quarters.	Average.
			Bushels.
From 1703 to 1713	...	2,959,063	7
— 1713 — 1723	...	3,542,157	2
— 1723 — 1733	...	3,358,071	2
— 1733 — 1743	...	3,215,094	2
— 1743 — 1753	...	3,404,026	1

During the first ten years of last century, the population of England and Wales is supposed to have declined a little, or to have decreased from 5,475,000 to 5,240,000, (Preliminary Remarks to last Census); and it is supposed that during the remaining forty years of the first half of the century, the population gained about 1,200,000, or increased from 5,240,000 in 1710 to 6,467,000 in 1750. It was customary, during the latter part of this period, to allow private families to compound for the malt duty; and many availed themselves of the alternative; a circumstance which shows sufficiently, that the quantity of malt then actually made use of must have been greater than the quantity as estimated by the duty. It may, therefore, be safely affirmed, that the consumption of malt in England and Wales in 1750, when the population amounted to only 6,467,000, exceeded its consumption in 1828, when the population amounted to 13,500,000!

to 5,553,000 quarters, or 44,424,000 bushels, whereas it only amounted to 3,137,000 quarters, or 25,096,000 bushels, yielding at an average considerably less than *two bushels* to each individual of the population, or more than *one bushel and twenty-one pints* less than the quantity falling to the share of each in 1802!

But we really underrate the probability when we say, that the consumption of malt might have been expected to increase in the same ratio as the population. According to every fair presumption, it ought, had it not been violently counteracted, to have increased more rapidly. It appears, as was stated by Mr Slaney, that in the interval between 1801 and 1827, both inclusive, no fewer than 1826 enclosure acts have been passed; and deducting a fourth from this number for Scotland and Ireland, 1370 remain for England and Wales. Now, it is stated, in the Report of the Committee of 1796, on the waste lands, that each enclosure act included at an average 1600 acres; and supposing this proportion still to be maintained, it will follow that 2,192,000 acres have been brought into tillage since 1800.

But a vast deal of land, lying in smaller portions, has been enclosed without any act of Parliament; and during the period in question, very great improvements were made on lands previously enclosed; so that, taking these circumstances into account, we may, on the most moderate estimate, compute the increase in the produce of English agriculture since 1800, as equivalent to the produce derived from three millions of acres of land of medium fertility. And yet there has been *no increase* in one of the principal crops suitable for such lands! no augmentation of the demand for barley, nor, consequently, of the supply of that valuable species of grain.

Perhaps, however, it will be said, that though population and tillage have increased, the condition of the mass of the people has, on the whole, declined, and that they are now less able to consume beer than formerly. But if we except a portion of the peasantry in some of the southern counties, where the pernicious practice of paying wages out of the poor's rates has been introduced, we believe it will be found, that during the present century, the condition of the labouring classes has been, speaking generally, changed very much for the better. Their health has been remarkably improved, a result which could not have taken place without an improvement in their habits as to cleanliness, and in their ordinary accommodations; and, independent of this circumstance, the fact that the lower classes have lodged upwards of fifteen millions sterling in savings banks, and that upwards of a million of them are members of friendly societies, shows pretty clearly, that though they are not in all respects so

comfortable as could be wished, and though, as we shall immediately see, some very powerful principles of degradation have recently been brought into activity, their condition is still superior to what it could have been at any former period.

But it will be said, that if the decline in the consumption of malt cannot be ascribed to any falling off in the condition of the people, or in their power to purchase malt liquors, it must originate in a change of taste—that John Bull is, in short, beginning to acquire an increased relish for gin and whisky. Now we do not deny that such is the case. But the question instantly recurs, to what is this change owing? How comes it that the people of England should be less partial than heretofore to that palatable and nutritious beverage to which they have been long accustomed, and that they should be resorting to ardent spirits, and other villainous compounds, injurious alike to their health and morals? This is plainly a most important enquiry; and, if we mistake not, the following statements will satisfy our readers, that the diminished consumption of malt liquor, and the disastrous change that has begun to take place in the public taste, is wholly owing to the duties, difficulties, and restrictions, laid on the manufacture and sale of beer.

It would be vain to attempt to lay any thing like a detailed history of the malt acts before our readers. There were very recently about *forty* of them in existence; and their enactments were so contradictory and vexatious, that one is almost tempted to think they had been intended to entrap the honest manufacturer, and to drive him from a business where he could not advance a step without subjecting himself to penalties and prosecutions which no sagacity could either foresee or avoid. Every successive increase of duty having proportionally increased the temptations to its evasion, new devices were resorted to in order to defeat the efforts of the smuggler. Nor, had these checks been properly devised, should we have objected to them. We do not consider the imposition of a tax on malt as improper; nor are we sure that it can be justly objected to as being too high. But in devising checks for the prevention of smuggling, the framers of the malt acts have gone far wholly to destroy the manufacture. They have multiplied regulations, prohibitions, and penalties, until they have entangled the honest as well as the fraudulent trader in an inextricable labyrinth. One ill-advised and oppressive regulation has led to others still more oppressive, till the whole system of legislation with respect to malt, has become one complex tissue of penalties and absurdities. Every process of the manufacture, from the first wetting of the malt, to the bottling of the beer, has been inter-

ferred with. Nor is it any exaggeration to affirm, that not one in ten of these regulations is, in any respect, necessary to secure the collection of the revenue ; and that their only real effect is to oppress the manufacturer, to enhance the price, and deteriorate the quality, of malt and beer, and make employment for a host of excisemen.

But it will be said, that whatever might have been the case formerly, these remarks are now inapplicable—that the malt acts have been consolidated—and that all the objections that might have been made to their multiplication have fallen to the ground. In point of fact, however, it is by courtesy only that the act of the 7th and 8th George IV. cap. 52, can be called a consolidation act. In truth and reality it has no claim to any such distinction. It abounds in contradictions ; and is one of the most bungling pieces of legislative workmanship we have ever met with. Instead of being, as it ought to be, clear and explicit, it is, in the last degree, obscure and confused. It enacts afresh every one of the vexatious restrictions contained in the former acts, and several new ones besides. It has no fewer than *eighty-three* clauses ; and is altogether such a statute as can be acceptable only to a dishonest or captious exciseman. The following statements will show that we are not exaggerating its defects :

Malting is, in itself, a very simple process. It consists in wetting the barley till it begins to sprout, and then checking the vegetative process suddenly by heat. This produces a saccharine substance in the grain, which is the essence of malt.

Before any person can commence business as a maltster, he must take out a license, renewable annually. But the mere possession of the license does not authorise him to take a single step in the way of his business. Before attempting to construct, use, or alter cisterns, frames, kilns, or utensils of any sort, he must give a written notice to the next exciseman. Neither is it enough that this functionary should be privy to his plans. The form and fashion of all the principal implements which the manufacturer may have to make use of, is fixed by statute. Though he were to discover that he might either expedite his business, or improve the quality of his malt, by making an alteration in his machinery, he is prohibited from doing so. The malting trade is supposed to have attained to perfection. The law has prescribed the sort of implements the manufacturer shall use, and however ill-contrived, clumsy, or costly, he may complain, (though he had better not,) but he dares not change or amend them ! To make any commentary on such regulations would be an insult to our

readers. Let the exciseman ascertain the quantity of malt, either by measuring the grain before it is manufactured, or afterwards, or both—nothing more proper: but to interpose to regulate the size and shape of cisterns, frames, and other implements, evinces a rage for petty interference, that would be ludicrous, if it were not injurious to a great national manufacture.

But we could easily excuse the regulations about cisterns and so forth, were the manufacturer allowed to use them, when once constructed, as he may think proper. But the maltster can do nothing without giving twenty-four hours' previous notice to the excise. And it is fixed, (7th and 8th George IV. § 21,) in order, we presume, that the exciseman may be sober at the time, that no grain shall be put into the cistern except between the hours of eight o'clock a.m., and two o'clock p.m.; though, by a singular stretch of liberality, it may be taken out of the cistern any time between seven a.m., and four p.m.!

But legislative drivelling can go farther even than this. It might have been supposed, that when the maltster had got his grain into the Parliamentary cistern, under the surveillance of a sober exciseman, he would have been permitted to deal with it at his pleasure. But this is very far indeed from being the case. He must cover his barley with water forty hours, and not more than fifty-five hours, or forfeit a penalty of L.100; or else he must, before wetting, intimate to the officer that he intends to immerse the grain sixty-five hours; but a maltster had better not be rash about giving such a notice, for should he afterwards, on observing the effect of the wetting, think it expedient to draw off the water a little sooner, it is not in his power—it being especially enacted, that grain put into a cistern under the notice in question, shall continue to be covered with water ‘for and ‘until the expiration of the sixty-five hours, as aforesaid;’ and any maltster who should, in order to save his grain from being spoiled, presume to take it out one moment before the specified time, is, for every such offence, to forfeit and lose the sum of L.100. (§ 24.)

A maltster is entitled to change the water upon his grain; but he must previously intimate his intention to the officer, specifying the hour when he intends to draw off the water, taking care that it shall be between eight o'clock a.m., and two p.m.; on condition, however, that the grain be again completely covered with water, within an hour from the period when it was begun to be drawn off.

If the exciseman imagine that the grain is closer in the cistern than it ought to be, (for even the degree of its density is fixed by statute,) he may measure it; and if he report that there is

an increase of *one-twentieth* part over the statutory allowance, the maltster shall, for every such offence, forfeit L.100. (§ 33.)

To get the grain out of the cistern, without incurring a penalty, is infinitely more difficult than to get a seventy-four out of dock. Ordinary men, when left to themselves, seldom attempt to do more than one thing at a time; but ruin would very soon overtake the maltster who should so act. It is ordered, (§ 29,) that if any maltster shall use more than one cistern, ‘he shall empty, or take all such corn, or grain, from and out of all such cisterns, AT ONE AND THE SAME TIME.’ If he should neglect this rule, and presume, in accordance with the dictates of common sense, to empty one cistern before he begins emptying another, his presumption will be visited by a penalty of L.200! When one cistern, or a number of cisterns, have been emptied, no more cisterns can be emptied in the same place, until after a period of four days, or ninety-six hours, have elapsed. This regulation is also enforced under a penalty of L.200.

The grain being at length—the gods and excisemen propitious—got out of the cistern, is it at the maltster’s disposal? Not at all! It must be deposited in *couch-frames*, in a particular way, and must remain in them for a certain fixed period. We were not aware, until we looked into this statute, that it had ever been deemed more difficult to gauge a vessel of 36, 40, or 18 inches deep, than one of 30: such, however, would seem to be the opinion of the legislature; for it is enacted, that if the malt, when laid in the couch-frames, shall be any where more than 30 inches deep, a penalty of L.100 shall be inflicted. (§ 32.) If the malt require *sprinkling*, which is the case with six-sevenths of all that is made in England, it must not be done until the grain has been 288 hours from the cistern. In addition to all this, every maltster is bound, under a penalty of L.200, to keep a barley book, accessible at all times to the excise officer, containing entries of all the barley he buys, the name, sirname, and residence of those from whom he bought it; and containing also a detailed statement of all the malt he makes, the names and addresses of the individuals to whom it has been sold, the quantities disposed of to each, with a notification of the *hour*, as well as the day, when each transaction took place.—(§ 47, &c.)

Formerly, no officer could enter a maltster’s premises but on request, and, if in the night, in the presence of a constable; any obstruction being visited with a penalty of L.20. But now, an officer may enter by night or by day, drunk or sober, as the case may be; any obstruction being visited with a penalty of L.200.

If any one will venture to glance, however cursorily, over

the statute of the 7th and 8th of Geo. IV. cap. 52, he will find some scores of enactments, quite as vexatious, oppressive, and absurd, as any of those now specified. It contains in all 106 penalties, amounting altogether to the sum of L.13,500 ! The trade is, in fact, from the impossibility of complying with the regulations, entirely at the mercy of the officers. The unintentional infraction of any clause, how absurd or unnecessary soever, is punished with heavy fines, recoverable either by sentence of a justice, or by information before the Court of Exchequer ; and we must say, notwithstanding our profound respect for the learned persons who preside in it, that the Court of Exchequer is, after the Court of Chancery, about the least desirable place into which a person can be introduced.

We have already alluded to the process termed sprinkling, and to the regulation that it shall not take place till the grain has been twelve days, or 288 hours, out of the cistern. But, according to the opinion of the most experienced maltsters, this process ought generally to take place upon the eighth or ninth day. They affirm, that the effect of the prolongation is not only the loss of interest on the capital employed, but great injury to the quality of the malt. They state, that about the eighth or ninth day, a mould is frequently generated, and that, when this occurs before sprinkling, the malt becomes dead, and loses its spirited quality. This was the view of the matter taken by the Committee of the House of Commons on the malt duties, in 1806. They state that '*the regulations of the 42 Geo. III. cap. 48, INCREASE THE EXPENSE OF MAKING SPRINKLED MALT ONE-FOURTH* ; that a limitation against sprinkling till after the second venth day in winter, and the fifth in summer, would equally prevent fraud, and would, at the same time, afford great relief to the maltsters of the greatest part of England.' The legislature has, however, for reasons known only to itself, thought proper, notwithstanding the representations of the trade and the Committee, to persevere in the system thus universally condemned.

But the question, as to sprinkling, becomes of infinitely greater importance, when viewed in connexion with the act of the 7th and 8th Geo. IV. cap. 52. The sprinkling occasions the malt to swell or increase in bulk ; the increase, or *outcast*, as it is technically termed, varying with the varying quantity of the grain, but being *always in proportion to the latent saccharine matter*. The outcast in the Shropshire and Staffordshire barley is estimated at one-tenth ; in some parts of Yorkshire and Derbyshire it is estimated at one-twelfth ; in Dorsetshire it is supposed to be about one-fifteenth ;—differing in different places ac-

cording to the endless differences in the barley. But though sprinkling be required in the preparation of by far the largest portion of the malt used in England, still it is not required, and is seldom or never practised, in malting the fine barleys raised in Norfolk, Hertfordshire, and part of Wilts, amounting to about a tenth part of the whole malt manufactured in England.

However oppressive and vexatious in other respects, the duty under the old malt acts was levied upon the barley wetted in the cistern, and was, perhaps, as near an *ad valorem* duty as the case would admit of. But the statute of the 7th Geo. IV. has put an end to this practice; and the duty is now levied upon the finished malt, or upon the malt after it has been sprinkled. Had it been necessary to sprinkle all grain, this change would have been of less importance; but as the finer kinds of barley do not require to undergo this process, the effect of the change is plainly to add to the duties laid on the inferior species proportionally to their outcast. A bushel of Herts, or Norfolk malt, made without sprinkling or increase, yields more saccharine matter than a bushel of Yorkshire, or other barley, expanded by this necessary operation, into a bushel and one-tenth of malt. So well is this known in the trade, that, *caeteris paribus*, all sprinkled malt diminishes in value according to the increase of its bulk, though, without this increase, its value would be still less, as the saccharine principle would not be sufficiently evolved. Even under the old acts, the inferior sorts of barley paid a higher duty in proportion to their value, than the superior sorts; but under the late act, the duty being levied on the inferior species after their volume is increased by sprinkling, the excess of duty affecting them has been trebled! When such is the case, we need not certainly wonder that the flagrant injustice of this regulation should have been loudly complained of, though we may wonder that it has not as yet been redressed.

The regulations thus briefly described, may, to state their operation in a few words, be said to have, at one and the same time, the effect of unnecessarily fettering the operations of the maltster, of deteriorating the quality, and adding to the price, of his malt, and of putting him wholly in the power of the pettiest officer of excise, who, if he be honest, will probably deem the display of a restless activity, and officious zeal, as the most likely means of obtaining promotion. The consequence of such a state of things is, that many most respectable persons, and much capital, have been driven from the trade; that fraud and corruption pervade all its departments; and that the business of malting is infected with all those abuses which inevitably beset every business conducted on factitious and contradictory

principles, and under the superintendence of those who are proverbially needy, profligate, and rapacious.

Hitherto we have merely adverted to the regulations under which the malting trade is conducted. But though these were wholly repealed, yet even then, unless a radical reform were at the same time effected in other departments, the manufacture and sale of beer would still be subjected to greater difficulties and obstacles than any other branch of industry carried on in the empire, or, we believe we might say, in Europe.

The duty on malt, though unequal in its pressure, and enforced by the very worst system of fiscal interference and tyranny, is yet so far fair, that it affects all classes of consumers, according to the quantity and quality of the malt they make use of. Perhaps, indeed, it may be thought rather hard to impose a far heavier duty upon the beer of the labourer than upon the burgundy or champagne of his lord. In this respect, however, the malt duty is not more objectionable than many other taxes on commodities; and, as it would be impossible, even if it were desirable, practically to proportion the duties to the means of the buyer, if the objection were to be entertained, it would go to show rather that the tax was essentially improper, than that it was improperly assessed.

But there are two other taxes which fall *exclusively* upon the beverage of the working classes, the one levied by government, and the other by monopolists acting under its sanction, that are as oppressive as they are flagrantly unjust.

The first of these burdens arises out of the beer duty, and the second out of the licensing system, and the consequent monopoly of public houses.

The beer duty amounts, at present, to 9s. 10d. per barrel on strong beer, 4s. 11d. per barrel on intermediate beer, and 1s. 11½d. per barrel on table beer. The weight of this duty is, however, the least objectionable circumstance connected with it; for, by a most barefaced preference of the interests of the rich to those of the poor, the beer duty is made to affect that only which is brewed for sale, all home-brewed beer being exempted from the tax. Now, as rich people generally use only beer manufactured in their own houses, and as the poor, from their inability to brew at home, are obliged to buy their beer entirely from public houses, the real effect of the tax is to impose a heavy burden on the working classes, from which the nobility and gentry of the country are wholly exempted. The hard-working labourer cannot get a glass of ale to invigorate his constitution, without paying a duty upon it at the rate of 9s. 10d. a-barrel,

while the nobleman, merchant, or banker, in the receipt, probably, of L.10,000, or L.20,000 a-year, may consume any quantity he pleases, either at his own table, or that of his servants, without having to pay one farthing of duty ! That a tax so scandalously partial should ever have been imposed, or that it should still be continued, and so little outcry be raised against it, is indeed extraordinary. It is, without any question, the most objectionable tax in our whole fiscal system. The country has rung with well-founded complaints of the unjust preference afforded by discriminating duties to West Indian over East Indian sugars. But what is this preference, when compared with that we have now pointed out ? Here we have the rich and the great enacting a law, by which a heavy duty is laid on the beer consumed by the poor, from which that used by themselves is entirely free. It is ludicrous, while such a law is suffered to disgrace the statute-book, to talk about the fairness and equality of our system of taxation. We do not believe that the legislation of Algiers can furnish a more glaring example of partiality or preference than the one in question.

The nett produce of the discriminating tax laid exclusively on the beverage of the labouring and middle classes, or of the beer duty, amounted, in 1827, to L.3,204,389 ! More than three-fourths of the malt consumed in England is used by the public brewers, and is, therefore, subjected to the discriminating duty.

The regulations under which the beer manufactory is conducted, are quite of a piece with those laid on the making of malt. The regulations contained in the acts of the 1st and 2d Geo. IV. cap. 22, (for the regulating mania is not yet extinct,) were so contradictory and absurd, that it was found to be absolutely impracticable to comply with them ; and the Board of Excise, assuming a little of that *nobile officium*, which is the feature *par excellence* of the Court of Session, issued instructions that have been substituted in the place of this notable act, which, however, still remains on the statute-book, a monument of the wisdom of its framers.

At present, no brewer of strong beer is allowed to send it from his premises, except in casks, containing not less than five gallons, or not less than two dozen reputed quart bottles, at a time. But a poor man cannot buy this quantity of beer, even if a wholesale dealer were to think it worth his while to sell it to him ; so that the result of this regulation is, that beer cannot be sold in retail, except by a person who keeps a public-house.

Brewers of what is termed *intermediate* beer are virtually restrained from making any other sort of beer. Under the intermediate beer act (4 Geo. IV. cap. 51,) it is provided, that beer

may be sold by retail upon the premises *where brewed*; that is, a manufacturer, or brewer, is allowed to retail it from his room or house in gallons or quarts, to the surrounding neighbourhood, at the same time that he is interdicted from selling it wholesale to a shopkeeper, whose business is that of a retailer! The consequence of this perverse and absurd regulation has been, that *seventeen* brewers only have been found to take up the trade of making and selling this intermediate beer, *four* of whom are within the limits of the chief excise office in London, (Par. paper, No. 159, Sept. 1828); and out of eight millions three hundred thousand barrels of all sorts of beer, brewed in England and Wales, in 1827, the intermediate brewers brewed only 17,153 barrels, of which about 16,000 barrels were brewed in London. (Par. paper, No. 160, Sept. 1828.)

But even the discriminating duty on the beer consumed by the poor, and the restraints laid on the public brewers, deserve to be considered as unobjectionable regulations, when compared with the *licensing system*, and its train of abuses. With the exception of beer, every article is supplied under a system of fair and open competition; the buyers, when dissatisfied with one dealer, resorting to another, and the dealers endeavouring to attract customers, by superior assiduity, or by the comparative cheapness or better quality of their article. But in the sale of malt liquors, this sound principle is not allowed to operate. The beverage of the poor is subjected to a monopoly—a monopoly the most pernicious and indefensible of any that have ever existed in this country.

The assumed necessity of taking care of the public morals, has been the pretext for establishing this odious monopoly. It has been supposed that public-houses might become the haunts of riotous and disorderly persons; and, therefore, it was determined that no one should be allowed to open a public-house, without having previously obtained a license, to be annually renewed, from a quorum of justices. And, it having been supposed, that individuals might improperly multiply public-houses, it has been left to the justices to decide which houses should be opened for that purpose. Now, we do not mean to say, that publicans ought not to be subjected to certain regulations to insure their keeping orderly houses, but we altogether deny that that ought to be done by giving Magistrates a power of withholding licenses from those who have not been convicted of disorderly practices; or that there is any necessity whatever for limiting the number of public-houses. To withhold a license from an applicant who has not previously abused it, is a most violent interference with the freedom of industry, and may be, and, in

innumerable instances, has been, perverted to the basest purposes. If A, a respectable man, choose to become a publican, why should B, a magistrate, be allowed to prevent him? It is an obvious absurdity to pretend that the public morals can be promoted by conceding such a power to magistrates. It may give a justice an opportunity of displaying his magnanimity, in overlooking, or his vindictive feelings, in remembering, any real or supposed cause of offence given him by the applicant; or it may enable him to oblige a friend, by granting him a license, and refusing it to a stranger: but it can do nothing more.

It would be the easiest thing in the world to put the business of public-house keeping on a proper footing, without encroaching on the right of individuals to engage in it. For this purpose, some general and intelligible regulations might be enacted, to be observed by publicans; and every individual should be entitled, upon finding security that he will abide by these regulations, to open a public-house, the magistrates having no right to interfere with the publicans, except when a complaint was made that they had infringed the prescribed regulations, when they might, after investigating the circumstances, be authorised either to suspend or recall the license. Such a system would be infinitely preferable, in respect of the prevention of disorderly proceedings in public-houses, to that which is now followed; while it would put an end to the intolerable evils growing out of the present practice.

But then, it is said, that the proposed plan would tend to the endless increase of public-houses, of which increase the clergy and justices entertain, or affect to entertain, the greatest horror. But we take leave to tell these reverend and learned persons, that it would do no such thing; and that, if there were an increase of public-houses under a free system, it would be not an evil, but a good. The supply of public-houses would, under such a system, be limited, like the supply of every thing else, by the number and means of those who have a demand for their services. If too many were opened, the trade of a publican becoming an unprofitable one, their number would be lessened, until the supply had been properly adjusted. There is nothing, indeed, but the result of fair and free competition, that can decide what is the proper number of public-houses to be established in a particular district. The circumstances which determine this number vary with the varying magnitude of the population, the rate of wages, the nature of the employments carried on, the habits of the people, and an infinity of other things. It is quite out of the question to attempt, *a priori*, to form a correct judgment on such a point. Experience is the only test that can be

depended upon. It would not, indeed, be more absurd, were justices to set about fixing the proper number of shoemakers, barbers, haberdashers, &c., than it is for them to pretend to fix the proper number of publicans.

Still, however, it is contended that public-houses are, at the best, but necessary evils, and that the more they are diminished, the better. But we deny that there is more than the shadow of a foundation for this statement. The pulpit has frequently been made use of to disseminate false and fanatical doctrines, and public-houses are occasionally the resort of riotous and disorderly company ; but we are no more to declaim against the latter because of this abuse, than against the former. It is all very well for a justice, whose private cellar is well stored with port and burgundy, to descant upon the evils of public-houses, and the prevalence of a taste for beer-drinking. But this learned person should recollect, that the world is not made for him alone ; that there are other stomachs in it besides his own, and that the plebeian palate of a poor man may derive as intense a gratification from a glass of ale, as his from a bottle of port. Why, then, should the latter be prevented, by restrictions on the opening of public-houses, from getting his beverage in the way most agreeable to himself? A poor man cannot lay up a stock of ale : the public-house is his cellar. And we apprehend his worship would look rather sulky, if, on pretence of taking care of his morals, curing his gout, or blanching his nose, he were to be interdicted from keeping a stock of wine wherever he pleased. The cant about the mischief arising from the multiplication of public-houses, is about the most detestable of all cants. It is the cant of those who are at ease in their possessions—who are daily washing down turtle and venison with quarts of sherry and magnums of claret, and who, notwithstanding, affect to be horrified when they hear that a labourer has presumed to re-create himself with a jug of ale. If justices and parsons were themselves ascetics, we could excuse their virtuous indignation ; but when Alcibiades and Apicius begin to eulogise self-denial, sobriety, and abstinence of all sorts, who can forbear exclaiming, ‘ Out upon such hypocrisy ! ’

The effect of this tyrannical and hypocritical system is to reduce the number of public-houses below the proper level, and by consequence to raise their value. Every one knows that in London, and indeed throughout England, a house with a publican’s license uniformly fetches a much higher price and rent than it would do for any other purpose. But, if a higher price and rent be paid on account of the license, an extra profit must be made by its means ; and this, it is plain, can only be done by charging

the consumer of malt liquor a higher price than he would otherwise have had to pay.

There are very nearly 50,000 public-houses in England and Wales: and we agree with Mr Slaney in thinking, that it will be an extremely moderate estimate to suppose that the rent of each is, at an average, increased £.20 a-year by means of the licensing system; showing that, independently of its other abuses, this system imposes a tax of not less than £.1,000,000 a-year on the lower and middle classes, from which, of course, the worshipful magistrates and other licensers of public-houses are wholly exempted.

If additional proofs be wanted of the pernicious effects of this system, they are at hand. It is an insult to common sense to say, that it contributes to the support of morality and sobriety. Are morals and sobriety likely to be much promoted by a system, the effect of which is to substitute ardent spirits in the place of malt liquors? But that such is the case, is proved by the official accounts, printed by order of the House of Commons, (20th March, 1828.) It appears, for example, that during the seventeen years, ending with 1827, while the population had increased nearly three millions, the ale licenses, in England and Wales, had hardly been augmented,—their number in 1810 being 49,061, and in 1827, only 49,327. The case, however, was very different with the spirit licenses,—their number having increased from 37,011 in 1810, to 42,599 in 1827; so that, under this most moral, or as Bentham would call it, ‘sobriety-preserving system,’ there is an increase of 266 ale licenses, and 5,588 spirit licenses! With such official facts staring us in the face, one must be sceptical indeed, not to admit that the duties, difficulties, and obstructions laid on the manufacture and sale of beer, have taken effect. Indeed, it may be fairly presumed, supposing the present system to be maintained for a few years longer, that beer-drinking will be as little in fashion in England as in Italy. We shall then no doubt be, as we are at this moment, the *most moral and religious people* in the world; and we shall also add, to our other numerous excellencies, that of being the greatest gin-drinkers.

Like other monopolies, that which is now enjoyed by the publicans, has had the effect not only to raise the price, but to injure the quality, of beer. Were the trade of public-house keeping free, no one could object to a brewer buying as many public-houses as he chose; but, under the existing system, a license is granted to the occupiers of certain houses only; and the brewers, in order to ensure the sale of their beer, endeavour either to buy up these houses, or to lend money upon them. In consequence,

a few large capitalists engross most of the public-houses in many extensive districts, so that even the semblance of competition is done away. The customers of a publican may grumble about his beer; but the publican being, in most cases, the creature of the brewer, dares not complain: and if the customer should think of resorting to another, the chances are, that either that house is supplied by the very same brewer, or by some one else in combination with him. If the trade of a publican were put upon the footing already suggested, this monopoly and combination would be effectually put down; but until that be done, the probability is, that it will every day acquire new strength.

The brewers' monopoly is not, however, by any means equally complete in all parts of the country. In this respect Mr Slaney has shown, that the kingdom may be divided into six great districts; the brewers' monopoly extending over three of these, and home-brewed beer being principally used in the others.

The first, and most valuable of the brewers' districts, comprises the metropolis, where there are 4,430 publicans, of whom 39 only brew at home!

The second brewers' district embraces the country round the metropolis; the counties of Essex, Kent, Sussex, Surrey, Hants, Isle of Wight, Berks, Herts, Cambridge, and as far as Lynn and Norwich in Norfolk. This very extensive district contains 9,984 publicans, of whom only 820, or about one in twelve, brew at home!

The third brewers' district comprises the four northern counties of Cumberland, Northumberland, Westmoreland, and Durham, stretching through Whitby and Halifax to Hull in Yorkshire. In this district there are 5,871 publicans, of whom 587, or about one in ten, brew at home!

There are, therefore, in the whole of these three districts, 20,285 publicans, of whom 1,446, or less than one in thirteen, brew at home. The remainder of the supply for this vast tract of country, containing a population of about five millions, including the metropolis, is furnished by 1,571 brewers. London and its suburbs, containing at this moment above 1,450,000 persons, derive almost their whole supply of malt liquor from 99 overgrown monopolists! We are not connoisseurs enough to say whether their beer is good or bad; but if it be good, the public is mightily obliged to them; for, however execrable it may be, it is practically impossible for any man, beginning the trade, to come into competition with them, because it is practically impossible for him, owing to this monopoly of public-houses, to bring his beer to market.

The first of the home-brewing districts begins at Coventry, and

takes in great part of the counties of Gloucester, Hertford, Worcester, and Stafford, a small part of Cheshire, and the whole of Salop, which is indeed the centre and stronghold of the home-brewers, and all Wales. The second home-brewing district embraces a tract stretching from Derby, by Leeds and Halifax, in Yorkshire, to Lancaster; and the third of these districts extends from Wellington in Somersetshire, through Exeter to Barnstable, in Devon.

In these three districts there are 14,892 publicans, of whom 12,543, or above six out of seven, brew at home. In Wales, Salop, and Worcester about Stourbridge, there is hardly one publican in twenty, who does not brew at home.

Except in the six districts now mentioned, and in a small degree round Northampton and Lincoln, there is no very great preponderance either way; the supply of malt liquor being about equally derived from public and private brewers.

We do not mean to agitate the question, whether brewers' beer or home-brewed beer be best or cheapest. It is by fair and free competition, and by it only, that all such questions must be decided. The radical objection to the present system is, that it goes far, especially in large towns, where the monopoly of public-houses is an object of sufficient importance to engage the attention of great capitalists, to extinguish all competition; and to force the public either to dispense with the use of beer altogether, or to take it as it may be served to them.

If, after all that has been already said, any thing farther were required to evince the destructive nature of the present system, it might be found in the fact that almost the whole of the late extraordinary increase in the spirit licenses has taken place in the metropolis, and in those districts where the brewers' monopoly is most complete. In the home-brewing districts there has been little or no increase. It should also be borne in mind, that, owing to the mode adopted in London and other great towns, of retailing spirits in glasses, generally of no defined measure, to a person standing at a counter or bar, hundreds of individuals may be served, and frequently are so served, in a very small space of time. But to drink his beer comfortably, a man must have some time, and perhaps also a pipe, and a newspaper. It is plainly, therefore, for the interest of the publican to encourage the sale of spirits in preference to beer. And, with characteristic sagacity, the legislators, justices, and parsons of the land, join together, by laying oppressive duties, prohibitions, and restrictions on the manufacture and sale of beer, to augment the *ginward* bias. If blue ruin do not rapidly spread its ravages amongst us, it is not for want of legislative, and worshipful, and reverend encouragement.

We will now bring into a short compass the various duties affecting malt liquor, before it can be drunk by the lower or middle classes:—

Malt Duty ( <i>nett amount</i> ) . . . .	L.3,340,000
Beer Duty ( <i>nett amount</i> ) . . . .	3,200,000
Maltsters' Licenses, . . . .	20,000
Brewers' Licenses, . . . .	164,000
Hop Duty, ( <i>nett amount of 1828</i> ) . .	441,000*
Increased rent of 50,000 public houses, at the rate of L.20 per annum, each,	1,000,000
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	L.8,165,000

We have already seen that from a fourth to a fifth of all the malt manufactured in England, is used in the houses of the rich and the great; and we have also seen that the beer brewed by them is wholly exempted from the beer duty. Deducting, therefore, one-fourth, or L.835,000 from the malt duty, and one-fourth, or L.110,000 from the hop duty, on account of the malt and hops used by the privileged classes, it is plain, that the whole of the remaining duties and charges, amounting to the enormous sum of L.7,220,000, must fall entirely on the natural and healthy beverage of the lower and middle classes.

It appears from the Parliamentary paper, No. 51, September 1827, that of the total quantity of malt made in England and Wales, in 1824, 5, and 6, 21,647,000 bushels were, at an average, made use of by *public brewers and victuallers*; and it is now seen that the aggregate nett duties and charges, exclusive of the hop duty, imposed on this malt, amount to L.6,889,000,† and adding to this L.600,000 as the expense of collection, we have a total sum of L.7,489,000, being at the rate of very near 7s. a-bushel. But the average price of barley does not exceed 4s. a-bushel; so

\* The revenue derived from hops is liable to very great fluctuations. During the year ending 5th January, 1828, it amounted to L.244,953, 11s. 8*d*. During the same year there were 49,485 acres employed in raising hops: 2,224 cwts. of British hops being exported, and only 4 cwts. of foreign hops imported.—(Par. paper, No. 157, Session, 1828.)

† Aggregate duties and charges as above, . . . L.8,165,000

Deduct malt duty on malt used in

private houses, . . . .	L.835,000
Hop duty, . . . .	441,000
	<hr/>
Remains, . . . .	L.6,889,000

that it follows that the material of one of our great national manufactures, that the first luxury, if it be not rather a necessary, of the poor, is subjected to taxes amounting to the unprecedented sum of L.175 per cent *ad valorem!* This, we are inclined to think, is the greatest stretch of fiscal rapacity of which modern Europe has to boast. The rich man buys his port, burgundy, and champagne, his tea and coffee, on paying duties, which, though abundantly high, do not in any case exceed 100 per cent, or 20s. in the pound. Not so the poor man. Justice is meted out to him with a different measure. He cannot touch a glass of beer without being liable to a duty of 175 per cent, or of 35s. in the pound!

That the landlords have great influence in Parliament is evinced by the divisions on the corn laws. Why then do they not exercise it to relieve the only great manufacture belonging wholly to the land, from the duties and prohibitions by which it is thus weighed down? They have it in their power to double the demand for barley without in any respect injuring the revenue. If they continue quietly to tolerate the present system, it will show that they are as indifferent to their own interests as to those of the public.

It is contended by some, that the malt duty ought to be entirely repealed, because it is not possible to assess it fairly; that by lessening the consumption of barley, it occasions a loss to the proprietors of light land suitable for barley and turnips, from which the proprietors of land suitable for wheat and oats are totally exempted. But we are not disposed to attach much weight to this statement. It is not of the imposition of duties on malt, but of their abuse, that we complain. If taxes be not laid on income, they must be laid on commodities; and to make them productive, they must be laid on those that are in general demand. But we are sure we have already stated enough, and far more than enough, to show that the present mode of charging the duty on malt is about the very worst that rapacious ignorance could devise. The officers ought, on no account, to be allowed to interfere either directly or indirectly with the manufacturer; but the duty should be ascertained either by measuring the grain before it is put into the cistern, or after it is in the cistern, or after it is taken out of it. The existing regulations do not repress but augment smuggling and fraud. Their only effect, as we have already stated, is to deteriorate the quality and raise the price of malt, to put the maltster in the power of the officer, and consequently to drive out, and keep out of the trade, many respectable persons who would otherwise continue or engage in it.

With respect to the beer duty, it ought to be entirely and un-

conditionally abolished. It is said, indeed, by the Chancellor of the Exchequer, that we are bound to maintain the public faith, and that the protection of the revenue is his especial duty: And we frankly admit, that, abstractly considered, we see nothing to blame, but much to praise, in this statement. Government is most assuredly bound to provide for the regular payment of the interest on the public debt, and for the security of the country; and we trust will always have good sense and honesty enough to spurn the base suggestions of those, who, affecting a regard for the public interests, endeavour to promote their own selfish purposes by recommending the spoliation of the public creditor. But though we cordially agree with the Chancellor of the Exchequer as to the end that ought to be kept in view, we differ entirely from him as to the means by which it may be best effected. The Right Honourable Gentleman should recollect, that when taxation is carried beyond certain limits, it invariably becomes, either by diminishing consumption, or increasing smuggling, or both, less productive than it would otherwise be. In 1823, the duty on spirits in Scotland and Ireland was reduced from 5s. 6d. to 2s. the wine gallon; but instead of being diminished, *the revenue is now greater than it was previously to the reduction*; a result which is not to be ascribed so much to an increased consumption of spirits in those countries, as to the almost total suppression of illicit distillation. Nothing, therefore, can be a greater fallacy than to confound a reduction of the duties affecting a commodity with a diminution of revenue. In very many cases, indeed, a reduction of duties is the only effectual means of increasing revenue. The revenue derived from French wine is greater at this moment, when the duty is only 6s. the wine gallon, than it was in 1823, when the duty was 11s. 5½d.; and were it reduced still lower, and imposed on an *ad valorem* principle, we venture to say that it would be still more productive. In 1823, the duty on coffee was 1s. a-pound, and the gross revenue derived from it, during that year, amounted to L.393,708. In 1825, the duty was reduced from 1s. to 6d., and last year the total gross receipt amounted to L.426,187! But neither wine, spirits, coffee, nor indeed any of the commodities, the duties on which have been reduced during the last five years, was so grossly overtaxed as beer. It should also be recollected that beer is an article chiefly made use of by the lower and middle classes; and that, consequently, a reduction of the duties affecting it would do much more to extend its consumption than any equal reduction of the duties affecting articles chiefly used by the rich, and the demand for which does not, for that reason, admit of any very great extension. We have, therefore, the strongest ground for think-

ing that the duties affecting beer might be reduced a half, that is, that the *duty laid directly on beer* might be repealed without costing the revenue a single shilling. The mere repeal of the beer duty might not, by itself, have this effect: But supposing it were, as it ought to be, accompanied by the simplification of the malt duty, and the abolition of every one of the restrictions, whether direct or indirect, on the sale of beer, there are the best reasons for concluding that the sale of malt would be so much increased that the revenue would gain, and not lose, by the change.

The Chancellor of the Exchequer contends, however, that the reduction, or even repeal of the beer duty, would have no such effect; that it would not really reduce the price and extend the consumption of beer, but would merely go to swell the gains of the brewers! But were the brewing trade really and completely free, that is, were every vestige of the present licensing system abolished, there would undoubtedly be the same keen and close competition in brewing that there is in other departments of industry; and it would be quite as impossible for the brewers to maintain their prices at a forced elevation, as it is for the bakers or butchers artificially to enhance the price of bread or beef. Suppose the duty on tea were either reduced or repealed, it would be in the power of the East India Company, by limiting the supply of tea brought to market, to maintain its price at its previous level; but it would be absurd to imagine that such could be the case, were the trade with China also thrown open. Wherever competition is allowed to operate without restraint in the production and sale of commodities, the profits of the producers are always beat down to the ordinary level; and any reduction of the peculiar taxes or burdens imposed on the commodities produced, and brought to market under a really free system, is invariably followed by a corresponding fall of prices. If, therefore, the statement of the Chancellor of the Exchequer be entitled to any real weight, it derives it entirely from the existence of the licensing system, and the various restrictions laid on the sale of beer. Let that system be abolished, and a few rich brewers will no longer have the means of combining together to fix the price of malt liquors. Were it not for the beer monopoly, the statement of the Right Honourable Gentleman would plainly be destitute even of the shadow of a foundation. He says the prices of beer would not fall though the beer duty were repealed, that is, though the brewers were relieved from a tax of *three millions and a half a-year!* But why should this anomalous result take place? Why should the price of beer not fall, like the price of wine, spirits, coffee, &c. when the duties affecting it are reduced? The real, and indeed only answer that

can be made to this question is, that the beer trade is not free; that the system under which it is conducted, by establishing an effective monopoly in favour of the individuals engaged in the trade, enables them to maintain their prices at a forced elevation. This is what the statement of the Chancellor of the Exchequer actually amounts to; and relying on it, he resists even the appointment of a committee to enquire into the matter. But how comes it that so acute and intelligent a person should attempt to bolster up one unjust and objectionable system, by alleging the existence of another? Is it not his plain and obvious duty to exert himself to subvert them both? There is nothing peculiar about the manufacture and sale of beer, except the restrictions under which it is placed. Were it put on the same footing as other branches of industry, any reduction of the duties affecting it would undoubtedly be followed by the same effects that invariably follow in other cases. Instead, then, of making nuisance the first an apology for nuisance the second, let them both be abated. The Chancellor of the Exchequer may depend upon it, that as soon as the licensing system, and the various restrictions laid on the manufacture and sale of beer, are put down, the competition hence arising will insure to the public the full and entire advantage of whatever reduction may be made in the duties. The advantage would, indeed, be much greater. The price of beer is, at present, enhanced in no ordinary degree, not only by the duties, but also by the vexatious and endless restrictions, laid on its preparation and sale; so that in the event of its being relieved from both, it is absolutely certain that its price would be reduced much more than in proportion to the reduction of the duty. On the whole, therefore, we think it may be safely inferred, that were the mode of assessing the malt duty simplified, the beer duty repealed, and the licensing system and the various restrictions laid on the manufacture and sale of beer entirely abolished, the consumption of malt would, in a very short time, be doubled or trebled, so that instead of lessening, the revenue would gain very greatly by the change. But though this expectation were to prove fallacious, and half a million, or even a million of revenue were to be lost, are we, in order to avoid that loss, to continue a system which grinds the poor with taxes from which the rich enjoy a total exemption? And which, by substituting ardent spirits in the place of beer, is destructive alike of health and morals?

In saying that the simplification of the malt duties, and the repeal of the beer duties, would double or treble the demand for malt, we are convinced that we have very much underrated the increase that would really take place. It appears from a return

made to the House of Commons, that in 1827, no fewer than 13,500,000 gallons of spirits were manufactured in Scotland and Ireland, from a mixture of malt and raw grain, *no more than one bushel of malt being used in the manufacture of ten gallons of spirits!* Much of this execrable drug is imported into England. And we would beg to ask, whether it be possible that beer brewed from malt only, and loaded with an infinity of other duties, can maintain a successful competition with ardent spirits manufactured principally from grain paying no malt duty?

Under a system that gives such encouragement to gin-drinking, we cannot wonder at the strides the practice is making; nor should we be surprised to find it had its votaries on both the reverend and the learned benches. We have already pointed out the increase in the number of spirit licenses; and the following extract from the Report of the Committee of last year on Criminal Commitments, (p. 13,) will show that the consumption of spirits is increasing in a still greater ratio than the licenses:—

‘ Your Committee think it right not to let this opportunity pass without remarking the very great increase in the quantity of spirits consumed; and considering the tendency of spirits to brutalize the habits, to inflame the passions, and to prevent all prudent savings, this question is very important.

‘ From papers laid before Parliament, it appears that the quantity of foreign and British spirits, entered for home consumption, has, within the last five years, prodigiously increased. The average of the three years, 1820, 21, 22, is, in round numbers, 11,974,000 gallons, while the average of 1825, 6, and 7, is 23,540,000 gallons; the last year gives 24,346,460 gallons: Now, allowing that 6,000,000 of this quantity is derived from the suppression of illicit distillation in Ireland, and the decrease of smuggling in Great Britain, still the increase is equal to one-half the whole quantity consumed in 1821. It may be worth considering, whether the taxes on malt and beer do not increase the consumption of spirits, as well as prevent brewing at home.’

We think that the facts and statements now laid before our readers will satisfy them, that the extraordinary falling off which has taken place in the consumption of malt and malt-liquors, as compared with the population, and the rapidly increasing demand for ardent spirits, have not been owing either to the inability or disinclination of the lower and middle classes to indulge in their old and favourite beverage, but to the duties and regulations affecting the manufacture of malt and beer, and the sale of the latter. We have endeavoured to give a brief but faithful sketch of the nature and effect of these duties and regulations; and we are quite sure that we are within the mark when we say, that neither in Turkey nor Spain is there a code of revenue laws to be found more irreconcilable with every principle of justice and

fair dealing, more arbitrary and oppressive in its enactments, or more pernicious in its results.

To put an end to the abuses thus shortly pointed out, we have seen that three measures are indispensable, viz. 1st, The simplification of the malt duties; 2d, The abolition of the beer duty; a duty, be it always remembered, which falls wholly on the lower and middle classes, and from which the noble and affluent of the land enjoy a complete exemption; and, 3d, The abolition of the licensing system, and the granting of full liberty to every individual to open a public-house when and where he pleases, on condition of his finding security to abide by the regulations to be enacted as to the management of such houses. We have shown that the revenue would not only lose nothing, but that it would gain a great deal, by the adoption of these measures; that they would add largely to the comfort and happiness of the poor by furnishing them with a popular, wholesome, and nutritious beverage, at a cheap rate, and by thus checking and gradually withdrawing them from the use of ardent spirits; and that they would be especially advantageous to the agriculturists by adding very greatly to the demand for barley. On what ground, then, are these measures to be opposed? Are we to be told that it is for the public interest that beer-drinking should be proscribed, and that gin-drinking, with the profligacy and wretchedness inseparable from it, should be the subject of Parliamentary bounty and encouragement? Or, are the monopolists of public-houses, the brewers, druggists, and gin-manufacturers, to be heard by counsel at the bar of the House of Lords, pleading before the right reverend bench that they have a vested right in a public nuisance, and that the licensing system cannot be abolished without largely benefiting the community, and proportionally injuring them? Whether their Lordships would consider this a sufficient reason for continuing the present system, it is not for us to say; but such as it is, it is the very best that can be alleged in its behalf.

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- ART. V.—1. *James's Military Dictionary.* 8vo, London, 1820.  
2. *The Military Library.* 4to, 2 vols. London, 1824.  
3. *History of the Peninsular War; with Plates, &c.* By Lieut.-Col. William P. P. Napier, C. B. Vol. I. 8vo, Lond. 1828.

THE revolution which has taken place in the intellectual character of the British army within these few years, cannot fail to be known to every one at all conversant in military matters or military society. The change is very great, if we merely

compare what now is, with what was at the commencement of the French war : But extending the comparison to the beginning of the last century, it is enormous; since the characters of Ensign Northerton, and the bold captain in ‘ Hamilton’s Bawn,’ were scarcely caricatures, even at a much later date—as some of us may be old enough to remember.

It is of the officers, of course, not of the men, that we are here speaking,—though there has been a similar improvement, in the *moral* character, at least, of the latter. The British army, in fact, is now an army of Gentlemen ; and it is no small praise, that, under all the temptations which arise from idleness, or want of occupation—from a peculiar kind of social intercourse, which often excludes females—from an unsettled or wandering life—from ancient usages or example—and from a sort of license long granted by opinion, its officers are now as free from the ordinary vices of society, or of the day, as any class in England.

It is not necessary to say, what portion of this improvement may be referred to the better system and government of the army, since that has always received its full share of praise. But it must also be recollect ed, that both the moral and intellectual condition of society at large, and especially of those classes from which our officers are mostly drawn, has been greatly improved within our own recollection ; and particularly as to those grosser and more ostensible vices, whence arose the former evil reputation of this profession. But besides all this, there has recently been another cause at work, which, if not yet productive of very extensive effects by its direct action, has operated indirectly to a very great extent, exciting the emulation of those whom it did not specifically reach, and thus producing effects scarcely foreseen by those with whom the plan originated. This is, the system of Military Education, which was established, or, more strictly speaking, extended, in the late war ; and on this subject we propose to offer a few remarks, if, haply, we may by means of them extend still more widely the advantages which have already been so apparent.

It was surely a singular fact, that while establishments for military education existed in every European state, our own government should so long have neglected to follow the example. The College of Woolwich was indeed in existence, but of no very ancient date ; while its objects were partial, and the services, as well as the number, of the pupils, too limited to produce any great effect on the mass of the army at large. The attempt was, however, at length made, by the establishments of Farnham and Sandhurst ; and though the number of pupils was

still much more limited than a rational view of the wants of the army would have suggested, the advantages were quickly felt, and have continued to operate to this day, not only on the information, but on the entire character, of our army, and even on those who have not received the benefits of this education. It is no part of our present object, to enquire whether the plan of these institutions was the best possible, or the execution as good as the plan admitted; but this at least we will say, that *their extent* was not adequate to the demands, or rather to the necessities, of the army.

That these, and most of our other institutions for education, were deficient in the power of enforcing study and discipline, has also been much complained of. But in this complaint it is not sufficiently remembered, that all the governments whence we borrowed our system were despotic, and often approaching to military despotisms. The military pupil of Prussia or Austria is, in every sense of the word, a soldier;—a soldier in feeling, under rigid military law; unconscious, or unaccustomed, to claim any other rights or liberties than such a system permits. The boy who enters Woolwich or Sandhurst from Eton or Westminster, is a very different political personage; and even were he inclined to submit to the rigour of military discipline, his friends and parents would interfere, adding the control of their partial inspection to that general control which the feelings of the country supply. It is vain, therefore, to expect, that a Military Academy in our own country shall ever become what it is on the continent generally, where the prevailing military spirit aids in producing those effects which can never be attained through mere discipline and force. There is yet another cause of embarrassment to the conductors of these Institutions. In our own country, it is the fashion (right or wrong) to educate *boys* through corporal punishments; and hence this too often becomes the only stimulus to study or learning, at the same time that it is the great check to moral misconduct. But to pursue the same system with young *men* at a Military College is plainly impossible; and the natural consequence is, that the termination of punishment, or fear, is often the beginning of license and idleness.

With these views of the importance of military education, we certainly cannot approve of the policy which has lately reduced and abolished these institutions; nor do we consider this as a profitable direction for public economy to have taken. If education is of value—if the education of the army, especially, is of that value which we have ourselves experienced it to be, there can plainly be no motive for abolishing it, merely because we

are at peace. In peace to be prepared for war, is an ancient maxim of policy; and if they who are to conduct our future wars are not to be educated till these wars begin, it is plain they will begin under bad auspices. We do not, however, deny that there were difficulties in the way of going on with these seminaries, arising principally from the claim which the cadetship gave to a commission, the want of commissions to give, and the difficulty of disposing of the youth whose education was finished. To create officers for whom there was no place, was no doubt inconvenient; but it did not follow that the present system of cadetship was the only one that might have been adopted; nor, at any rate, would this objection have applied to the senior branch, as it is termed, consisting of officers already commissioned, but desirous of improving themselves in their profession. We cannot see what difficulty there would be in planning a Military College, for example, on some system resembling that of our Universities: a school to educate those who desired it, and could afford to pay for their education, granting degrees, (or something like them,) then suffering the military B. A. or M. A. to retire, with certain rights of pre-emption or precedence, as to vacant commissions—as an unbeneficed graduate departs to wait for a living or a curacy; or perhaps, under conceivable modifications, with a half-pay commission, like a college living. How far the want of an education of this nature should exclude, or what proportion of the expense the government, and what the pupils, should pay, are matters of detail, on which, with some others, it is unnecessary to speculate at present.

If it be true, that down to the middle, at least, of the late war, our army had not received that education which was desirable, and did not possess the knowledge indispensable to the right performance of its duties; and that, even to its termination, we may say even now, it was not, and is not, the educated and informed body that it ought to be; it is but justice to add, that the fault has not been its own. It has scarcely been in the power of an officer, certainly at least of very few officers, at any time, through any industry and ambition, to make the requisite acquisitions, even when most desirous of attaining them. There were no schools, no means; and there are none now, or at least they are but partial or limited. And yet, after all, military education has not perhaps been more neglected than any other professional education. The schools and the universities, of England at least, teach no law, no physic, no public economy, no divinity, in the strict sense of the word teaching—whatever may be the number and nature of their professorships or esta-

blishments. They actually qualify no man for the practice of a profession ; indeed, they scarcely teach the elements of any practical knowledge. The physician, the lawyer, the divine, the merchant, and even the statesman, must qualify himself, after his college education is finished, as he best can ; and so must the soldier. But without some study, the former professions can scarcely be entered on at all, and many of them require a long second education ; while the soldier, besides that he has not the means of educating himself as such, unluckily finds that he can go through the ordinary ostensible business of his profession, without any of those acquirements to which the name of knowledge can be applied.

Every one must have heard the censure so justly cast on our public reports of the proceedings of our armies. How miserably deficient these have generally been, in matter as well as manner, in arrangement, style, instruction, every thing—is as notorious as it has long been a source of regret. It is equally lamentable, that till very lately, we have not had even the account of a campaign from the pen of a British officer ; nor till the concluding period of the war,—of which the last years at least were of a splendid character,—had we received the barest narrative of any one operation, out of the many brilliant and instructive ones which had occurred. In truth, all our knowledge, to the very end of this long-protracted contest, was derived by each for himself, from Gazettes and conversation, or from the publications of our enemies. With the exception of Colonel Napier's late excellent work, which comprises but one portion of the whole, we have absolutely nothing in any respect corresponding to the magnitude of the interest, the number of the facts, and the singularity of the political and military circumstances which attended this portion of our military story. Assuredly, it is little creditable, not to our army only, but to the country at large, that such a history as that of the entire Spanish war, should have been left to be written by a person, whom, to use the gentlest term, we must denominate a writer of all work ; that the account of this great and splendid enterprise should have been a mere bookselling speculation ! It is obviously quite idle to suppose, that a history of this nature can ever be written to any purpose, by any man who does not add great military knowledge, and even personal experience, to all the other qualities requisite for a historian.

But we must contrast our own country with France, before we can be fully aware of the discreditible extent of our negligence or ignorance. It is unnecessary, however, to do more

than allude to the multiplicity of French works on military history, and on military subjects in general ; since their names, at least, are familiar to all who are likely to be interested in this article. We might equally name Prussia and Germany ; and if Spain, Italy, and Russia, present a comparative deficiency of military writers, the causes are not difficult to assign. We cannot admit inferiority of talent on our own side ; and it is impossible, therefore, to doubt, that the true cause is to be found in our want of military education.

It is needless to say, that historical truth is ever difficult to discover by partial investigation ; that it becomes more difficult in cases of national rivalry, and still more in cases of national hostility : while, did we even grant the utmost *bona fides* to him who relates the military exploits of a hostile nation, we know that the effect of this situation on the mind is to produce false views and false judgments. That we dare not trust to the fairness of such history, is too well known, be the age or the people what they may : But, even if we could trust its fairness, it is still true that the details of military procedure, whether in policy, or strategy, or actual warfare, whether as to motives or conduct, general or personal, are such as to prevent the actual facts on the one side from ever being known to the other : a truth, of which every military history that ever existed has afforded abundant examples.

It is easy, therefore, to see what must be the consequences to the nation which possesses no military historians of its own, to oppose to those of its enemies, or to balance them ; while the illustrations for which we dare not take room will easily occur to every one familiar with the military, or even with the civil history of Europe. It is needless to say what the injury must be to that reputation which nations desire to transmit ; what, among other considerations, must be the fate of the ‘ *fortes ‘ ante Agamemnona*,’ among whom no historian was found who could transmit their names and exploits to posterity. Were there but this one reason to urge in favour of the education of the army, it would be sufficient to justify any labour, public or private, which could be bestowed on this object : but we will pass to other, and to what, in the eyes of many persons, will appear more tangible and obvious reasons.

It is familiar, that if the continental nations have written largely on the History of war, where we have been silent, they have been especially industrious on what belongs to the Science and the art of war ; though, in truth, it is in military history itself that we must seek for the most valuable information re-

specting that high and comprehensive science. When we examine the military history of France alone, we find it abounding in treatises, often of the greatest value, on every general subject, and every detail—from strategy and the science of fortification, down to the manufacture of a rocket and the refining of saltpetre.

Now, when we compare ourselves with our neighbours, the melancholy fact is, that we have scarcely a book to produce; and of the few we can name, before the last war, such as those, for example, of Colonel Symes, it might truly be said, that they had better have never existed; so poor is the matter, so miserable the style and arrangement. In strategy, properly speaking, we rather think we have nothing but General Lloyd's book, if we can justly class it thus, if we except an article in the *Encyclopedie Britannica*, written by Major Smith. In fortification, there is nothing better than Landmann's wretched and defective compilation, little other than a child's primer: and our engineers must still study their art in Vauban, and Tielke, and Cormontaigne, and in a crowd of authors, French and German, (when they can read this latter language,) or else remain in ignorance. And, to pass by no very great number of modern books on different subjects, such as Douglas, and Pasley, and Jones, (and it is no lack of charity to pass them,) we are not possessed of even a single work on artillery in any one of its numerous branches, if we except the 'Pocket Gunner'; nor of a book on gunpowder, nor on military pyrotechny, nor even on common pyrotechny; the only book on this latter subject being a bookseller's compilation, under the name of Captain Jones, fit only to be compared with Mrs Glass's receipt books.

Now all this is highly discreditable to a nation like ours—a scientific and literary nation, a writing nation, and a reading nation; not a little proud of its literary and scientific reputation—not a little jealous of others, and above all, jealous and envious of our great, and as some politicians will have it, our natural enemy. Now this want of books, the consequence of our former want of military education, is one of the chief causes of its deficiency to the present day. During the last war, when they were most wanted, foreign books, and French ones in particular, were extremely difficult to be procured, often quite unattainable. We remember when a well-known, and then anonymous, French quarto on fortification would have sold for its weight in silver, as Mr Egerton well knows; and the truth is, that though foreign books may now be more easily obtained, yet they are not found on the shelves of English booksellers as our own are, while that

which must be ordered from France or Germany is often neglected, even were the names of such works known among us, which they never are to any extent.

In fact, an easy access to books, familiarity with their names, a knowledge of their characters or authors, moderate prices, the power of obtaining them without much effort,—indeed, the fact of their being absolutely thrown in our way,—are absolutely essential to reading, almost to the desire for reading, on such subjects; while the sense of the necessity, and the desire also, disappear under very trifling difficulties. Let the scholar himself say how often in his life he reads or consults the books on the upper shelves of his library, though the only difficulty may be to mount on a chair to reach them. And while every person does not read French even now, and comparatively few did read it at the beginning of the last war, so did no one then read German, as scarcely any one reads it now, with the exception chiefly of a few of our poets; in consequence of all which, the information diffused among our military, through foreign works was always very confined, and is not greatly extended even at present. Accordingly, we can ourselves testify, that during a dozen years' residence with successive garrisons, in the early part of the late war, including a rotation of more than a thousand officers, not a book was possessed, or even opened, by any one individual, unless perchance a novel; and that not a single military work could have been found in the whole of these successive communities, though it had been proposed to buy it with diamonds! And when such was the case in a settled garrison, we need scarcely suggest what it must have been in the movable regiments, in quarters and temporary barracks. That there has been a great revolution in this respect since that period, is undoubtedly true, from the causes indicated at the commencement of this article: And that it is most desirable to extend this taste for knowledge, no one can doubt, who compares the present army with that of 1793, and onwards for a long period, and who is able to see what is yet wanting to render it what it may be and ought to be.

We pass gladly on, therefore, from these painful, and rather humiliating recollections, to indicate how and where knowledge is necessary in the military profession, and what are the branches of knowledge especially required. On this, it is plain, must be founded whatever may be suggested as to a plan for military education. To name the kinds of knowledge required, is in fact to describe the system of education proposed; though it is not within the limits of such a paper as this to enter into the de-

tails of what a military school ought to comprehend; nor could we, indeed, do this, without such an examination of our past and existing systems, as might give to our remarks a tone of asperity and censure, which we are most solicitous to avoid. It is also proper to observe, that in some of the branches,—such as that of the artillery, for example,—the variety of detail is so great, that a paper as long as the whole of this would be required to convey a tolerable notion of what would practically be required in a well-appointed course of instruction. Here, we can only propose to sketch the general heads, and to indicate the particular kinds of utility to be derived from each species of knowledge.

In the first place, it is apparent that whatever kinds of knowledge are requisite in the upper ranks of life, or in all those whence individuals may be called to hold offices under government, or to assist in legislation, are equally requisite for the army. Many circumstances combine, in this country, to render such general education almost indispensable for those who mean to follow, without disadvantage, the honourable profession of arms. In fact, it is with us a profession in which a man may, by mere personal merit, rise to all those offices which are filled by rank, even of the highest degree, and to the very highest stations which birth itself can confer. A soldier, for example, very often becomes a member of the legislature; and thus also have we seen mere soldiers, more than once, not merely members of the cabinet, but filling the first offices in the ministry. In the next place, he becomes, oftener perhaps than another person, the Governor of a town, a province, or a colony, wielding the political and civil, as well as the military power, and often placed in situations of extreme delicacy and difficulty. In such cases, regulations on which the very existence of his charge must depend, often emanate unavoidably from him: often demanding very wide and accurate knowledge, as well as great talents, and involving some of the most abstruse questions in commerce, or in public economy. And while situations and charges of this nature are really very numerous, and in many instances of the utmost importance, not merely to those immediately governed, but to the supreme or parent government, it necessarily happens, through the lottery of military service, that there is no man who enters the army, out of whatever rank of life, who may not succeed to them, as many have in reality done, to their own great credit, and the advantage of their country. It must be needless, therefore, to say, that a body which is to be the very nursery of governors, (to note no more at present,) ought to be a well-educated body; and it is surely no answer to say, that many of

fices are filled by ‘civilians,’ imperfectly educated, or not better educated than soldiers; since the question is one of right and wrong, not of what is, or has been. It is our business to enquire how things *ought to be* done; and, as we are speaking of the military, to induce them rather to become the pattern to others, than to shelter themselves under common and evil example. But in reality, the civil body is, as we take it, really better educated, and better fitted in general for its duties than the military, though we cannot here stop to point out either the details or the proofs of our assertion.

To the public advantages arising from general education, as it involves the individuals of the army, it would be easy to add many more, which principally concern themselves. But it must be enough merely to suggest, that the rank and estimation which they hold in a society—which, in spite of all its neglect, is an educated society—ambitious of knowledge, or at least ashamed of ignorance, cannot be preserved but by maintaining themselves in the level of that society—that their especial leisure, at least in peace, would render those occupations and that knowledge sources of employment and pleasure, and checks to idleness, with its frequent consequence, vice—that to those who are seldom too rich, knowledge is an economical possession, and its pursuits far cheaper than those of idle amusement; and that it will often be convenient, at the return of peace, and in the event of reduction, to possess the means of gaining, in some creditable manner, that livelihood which has been cut off. But there is one argument remaining, which ought not to be passed over—because the value of the general principle is admitted, and no opportunity should be lost by which its application to society may be extended or confirmed.

It certainly is not to be desired in a free state that an army should possess an *esprit du corps*; or be distinguished, by any principle of repulsion, from the other orders of society, or the great mass of the people. How often and how strongly this has been urged, if not always enforced, in England, it is superfluous to say; while we need not draw the comparison between ourselves and France, or Prussia, in this respect. Whatever, therefore, tends to break down this wall of partition, is useful; and as it is maintained by many petty, as well as some important distinctions, the more of those which can be demolished, the better: And the more the habits, the pursuits, the education, and the acquirements of the military, conform to those of the mass around them, the less can this separation be maintained. Now, an ignorant army, in the midst of an informed society, must be

a separate body; and it would infallibly be a contemptuous, and therefore an overbearing one, because it is the character of ignorance to desire knowledge and its possessors. To pursue what others pursue, to respect what others respect, is, on the contrary, a bond of association. To depend on others for information, is to acquire a regard for them; and as knowledge imperiously demands communication, an interchange of conversation and good offices, we introduce with it a principle of amalgamation, and of mutual respect or regard.

That armies have despised citizens, that the soldier, even with us, does often despise the merchant and the lawyer, is sufficiently known; yet even within our own memories, a very remarkable change has taken place in England in this respect. They who know what the language of a regiment or a garrison was, not very long since, and they who know that now, will perceive the most striking difference; while he who has watched this progress, may distinctly trace it, proceeding, even in the most pointed and individual cases, in conjunction with the acquisition of knowledge by the army. Nor need it be insisted on, in concluding this argument, that an ignorant army must always form the most ready instrument of wrong to a despot; and that to know what the citizens know, to think and to feel with them, and to understand their rights, as being themselves citizens, will always be a check against the improper use of this necessary, but hazardous power.

We have nothing more now to say on the subject of general education; and may turn, therefore, to the professional department of our subject—to the special duties and pursuits of a soldier. That knowledge can be dispensed with, that personal strength, courage, and habits of order, added to a few mechanical practices, are sufficient to constitute an officer, is an opinion which can now scarcely find favour even with the vulgar. It is true that there are subordinate commands in an army, as there is an enormous mass of duties in every other department, requiring no knowledge of almost any nature, and even very little exertion of intellect. But it must be recollected, that out of this mass of machine-like matter, there must be selected knowledge, and capacities to arrange and direct; and that in the progress of time and events, there is not a single man in an army on whom a call may not be made for the exertion of faculties and acquisitions of great variety and extent, and on whose knowledge there may not depend the lives of hundreds of thousands, the expenditure of millions, and finally, the security or downfall of the state to which he belongs. Perfection would require that every officer in an army should possess a full and entire know-

ledge of all that can concern his profession ; and we always approach the nearer to this perfection, as we can produce a larger number of persons so qualified.

Before noticing the individual branches of knowledge requisite in the profession of war, the obvious and well-known distinctions as to the separate kinds of service must be kept in mind by the reader ; though we shall not ourselves speedily attend to them, for the following, among other reasons : To every one at all acquainted with military details, such limitations will, in the first place, be apparent ; but the stronger reason is, that however there may be a special division of officers to special services, cases are constantly occurring where an officer must be borrowed to supply a want or fill a vacancy ; and the choice, which is now always a matter of difficulty, from the want of a more extended military education, is regulated by some fortuitous acquisition suitable to the exigency. Thus it is that officers must sometimes be borrowed from the line to fill the place of extra engineers or surveyors ; and the other special services, or staffs, must be selected in the same manner. Hence, as any man may be transferred from any one duty to another, provided he possesses the required knowledge, we may safely drop all distinctions in treating of the education of the army at large.

Speaking as we feel in this matter, we must say, that we desire to see no limitations as to the course of study—with the exception, perhaps, of certain technical matters, appertaining to the engineers and the artillery, since a superfluous education is undoubtedly better than a deficient one. Such redundant information, indeed, is always a precious possession—always at hand for use in cases of emergency, affording a sense of security to the mind of the possessor, as to all his employers or commanders ; and, moreover, usefully employing his mind, or expanding his faculties. Here also, as through all life, it is always expedient, and sometimes absolutely necessary, to know the means of doing what we cannot be called on to do, in our own persons : And to a commanding officer especially, cases are eternally arising, where it is most essential for him to know whether the person trusted with a particular department be capable—whether that which is done is rightly done—what might be better, and what might be done by some other means than those in use, or by some substitute for that which may at the time be unattainable. This it is which constitutes superintending and directing knowledge ; and if it be, in most cases, indispensable to a commanding-officer, so there are a thousand examples of detail where it may chance to be required of any officer in an army, and on any, or every subject, however extra-professional to that

individual; while, as such persons must often rise to command, and many to the highest, we are brought back to the reasons urged before for the extension of a complete general education to officers at large,—the very same argument applying to technical or professional education, even to that which is supposed exclusively to concern the engineers and the artillery. If, for example, we put the two opposed cases, first, that the Duke of Wellington was an able artillery officer and engineer, and secondly, that he was not,—we can have no hesitation in concluding that he would have directed the sieges of Badajos and Ciudad Rodrigo better in the first case than the second; and that in the same manner he would have been a more efficient inspector of the Belgian fortifications. But, if this be admitted, we have only to ask farther, in what manner an officer, rising from the line to such a command as he did, can understand what he understood, if the sciences of artillery and fortification are not communicated to *all* officers of the line?

Though this view, also, might be illustrated with great ease, by abundance of well-known facts, we will content ourselves with appealing for the truth of it to the mass of the army; in which we know, from a pretty wide experience, that there are hundreds, or rather thousands, who perpetually regret that they did not find or make the opportunities of acquiring such knowledge in their youth—lamenting their own early thoughtlessness, and complaining also that it was not the fashion in former days; that the means were unattainable, and that a defective system had deprived them of the power of gaining what they would now purchase by any sacrifice, were it still possible.

We may now, therefore, proceed to specify the several subjects, or branches of knowledge, which we consider as professionally necessary for the army, and without regard to any peculiar science or department; and here we may first name what may be considered as the most easy of acquisition, viz. Languages. Of these, the purpose is twofold; that of empowering the possessor to read the works written in them, on the several necessary branches of knowledge; and that of enabling him to hold communication with the inhabitants of countries which may be the seats of war, or of service, or with allies or enemies, generally, for the purposes of diplomacy or negotiation. It is by these different considerations that the choice of the modern languages must be regulated; while under the first use especially, we perceive the indispensable necessity of French, as the great repository of military learning, and in the next rank, that of German. That Italian, Spanish, and Portuguese, have all

been required during the last war, we have abundant experience; although the future utility of these is more problematical. It is also unnecessary to do more than name the other European languages, such as Greek, Russian, and Turkish, since the uses of these are even more doubtful. In India, it is well known, that an officer cannot do his duties tolerably without a knowledge of the Persian, as the organ of written communication, and without such of those popular languages, the Hindostanee or Bengalee, as are the current media of conversation.

The next subject to be pointed out is the art of Drawing,—itself the most universal language, and in truth the proper, and almost the only language by which visible objects can be described. And it is not sufficient that an officer should be able to copy a drawing,—the general limit, we fear, of instruction in this department,—but that he should be master of the principles of the art, so as to be able to draw any thing from nature, and turn his hand to every species of drawing,—except perhaps that of the human figure, or of animals generally, which is of no great practical use, though the most difficult branch of the art. Very especially is it necessary to possess facility and precision in drawing landscape, so as to represent truly any given scene or country; since, without this, it is scarcely possible to produce those drawings which constitute Military Surveys.

The general utility of this accomplishment has, no doubt, been recently acknowledged; and it now forms, accordingly, a professed branch of military education: But it has been too much limited to certain services or departments, by the superintendents of such schools, as if it was needful to those only; while the greatest inconveniences have resulted from its having been so insufficiently communicated even to them. It is, in fact, a glaring fault in our general systems of education, to treat this acquisition as merely technical, and as of use to artists only; since it must, in fact, be useful to every man that exists, on some occasion or other of his life, and to want it is a perpetual source of inconvenience. That it is very much neglected in all our schools, is matter of notoriety; the only exception occurring in young ladies' boarding-schools, though even there it is cultivated to a very small extent.

Independently of the practical applications of this art, it is a most important engine for improving the faculty of observation as to all objects of sight, and for increasing the power of memory for such object. The truth is, that to see clearly what exists, is an art, to be acquired only by practice and experience. It is, in fact, thus only that all our senses are matured, in those

who possess the perfect use of them : Nor do we say too much when we aver, that the art of seeing is never acquired in perfection, for any class of objects, except by him who has acquired the power of representing them through drawing. They who have not reflected on the subject, may be startled at such an assertion ; but, in reality, it is more the accurate knowledge or discernment of forms that constitutes an artist, than any mechanical power in representing them. Whatever ordinary spectators may suppose, their knowledge of form, of any definite object, of a piece of architecture, for example, a tree, or an animal, is in truth very vague and imperfect ; and he who will make the trial, so as at length to draw what he was used only to look at, will soon convince himself that this is rigidly true. Thus, too, will he who is accustomed to draw landscape, perceive in travelling a thousand objects, forms, and appearances, which escape the eyes of others ; as any one will attest, who has visited or resided among scenery, before and after such an acquisition, so as to compare his own powers under those different circumstances. The case is like that of the student of natural history, who habitually sees a multitude of plants or insects that escape the ignorant ; though they may equally be present to the eyes of the latter, on which, in reality, they make no more impression than on the eyes of a quadruped. Nothing, indeed, is properly or really seen, which does not convey a distinct and definite idea, that may be recalled by the memory, or described, in all its detail, by the observer : And it is a metaphysical truth, that what is commonly called a defective memory, is often nothing but defective observation, or the want of impressions originally definite and complete.

The application of this general principle will immediately appear on reverting to the practical uses of drawing in the military art. The most simple kind is that which concerns the engineer as it relates to his plans ; and this, as a matter of art, is sufficiently mechanical. Yet without more than mere mechanical precision, without some knowledge of drawing, in the proper sense of that term, even plans of this nature will not be executed in a satisfactory manner. What is popularly called engineer's drawing, in the civil sense of that word, is another of these nearly mechanical branches ; yet, as it requires a thorough knowledge of perspective to represent machinery well, so will an artillery officer produce but very imperfect drawings of machines, guns, carriages, and so forth, without considerable general knowledge of the great principles of art, and without practice and facility in the higher departments.

In practice, or in actual warfare, a far more important branch of drawing is that which relates to Military Surveying, since this is perpetually in requisition, and demands great knowledge as well as great facility, from the frequent suddenness of the call for a detail of ground. However dry and mechanical the produce may seem to the inexperienced, the drawing of ground requires not only great neatness and dexterity, independently of the practical applications of the mechanical knowledge which form its basis, but a well-founded knowledge of the general principles of art, and especially a thorough knowledge of landscape, not merely as a painter of scenery, but as a man of observation, taste, and judgment; together with the power of abstraction and generalization, and a perfect command of resources, in explaining to others, by various modes of representation adapted to all possible circumstances, what the facts really are.

If we are more earnest on this subject than its importance, on a superficial view, may appear to justify, it is because it has been most wilfully neglected; being, in truth, very little understood except by those whose situations in life, or as to the army, have hitherto prevented their opinions from being of much authority. The very acknowledgment of its necessity is indeed almost new; since, with us, the art of drawing ground had never been seriously taught, or supposed necessary as a separate department of drawing, till long after the commencement of the late war, nor brought into practical application, till the formation of the staff corps. It is true, that the ordnance has long had its corps of draughtsmen; but they, who know what the works of that day really were, will not disagree with the general assertion here made. Even yet, it is almost limited to the officers in question: For though taught systematically in the military schools, it is seldom thoroughly taught; nor can it be considered as well understood, even by the teachers, when there are half-a-dozen conflicting systems, and no two teachers can agree on the best.

The purpose of this art, or branch of drawing, all our readers cannot know, is to produce a Map: but they who only know of maps by the wretched productions which pass under this name in England, will form a very inadequate conception of what is required. The object, in so far as the military draughtsman is concerned, is to obtain a correct plan of ground for the purposes of war; and in order to get this, it is necessary that, besides representing relative positions and distances, on a horizontal or imaginary plane, the draft or projection should convey a perfect notion of the relative altitudes of the places marked, and

every circumstance in the different characters of ground ;—that it should express, not merely rivers, roads, woods, and other equally obvious details, but rocky or swampy ground, meadow or hill, the various tendencies and characters of declivities, precipices, rav'nes, and so forth, but even the more evanescent and delicate circumstances, so difficult of representation, which relate to the minutest irregularities of what, in the ordinary sense, is called plain, and the several characters and qualities of the declivity and irregularity which occur in nature. To prove that map-makers, till lately, knew nothing of all this, and had not even imagined it, we need only look at the earlier portions of the map of highest note in England—while the remarkable difference in the latter sheets will also prove what this knowledge and attention can effect.

Now if all this cannot be effected without much more than mere mechanical knowledge and dexterity, it is evident that much more must be required of a military draughtsman ; and that it is only one so trained and accomplished that can be trusted, for representing many things, as utterly unknown to an ordinary surveyor or map-maker, and as utterly unseen by him, as they are by the rustic or quadruped—equally opening his eyes on them. Moreover, this alone is the person who will ever remember such ground or situations ; who will, even at a distant time, recollect the minute particulars that may be necessary, and, through a few simple marks, or a rustic guide, bring before himself, in absence or darkness, what he knew when present or in daylight.

An action is fought through positions ; by means of strategical operations based on the form of a country, or the disposition of its ground ; often very minutely regulated by particulars that would appear to common eyes trivial or unimportant—which never entered into the mind of a map-maker, and assuredly never struck that of a mere landscape painter. And so important is this knowledge of ground, and this talent for discovering and remembering its character, in the leader of an army, that it very frequently forms the sole cause of failure or success ; while the possession of it has been lauded and envied, from the time of Philopæmon down to that of Wellington—as we are also informed of the habitual study which the former great officer bestowed on it. And if they who have never imagined any other proceeding in a battle, as they call it, than that a few thousand men march up in long lines towards each other, and fire into each other's faces, till there are a sufficient number killed on one side to give the victory to the other, were to be told, that the best surveyor or map-maker would gain the vic-

tory, all other circumstances being equal,—they would probably suppose that we were sporting with their credulity,—however near to the exact truth this may be. Yet let them recollect how Napoleon fought the actions of the Moskwa and of Leipsic; and the truth is, that he might have fought these, and many more, and gained them also, in his cabinet at the Tuileries, or in his bed,—if the information necessary for him to change the places of his rooks and bishops on that great chess board could have reached him fast enough, and his orders been returned with the necessary rapidity.

It seems scarcely necessary to explain this further; yet if they who have never reflected on the nature of an extended system of strategical operations, or a general action between two large armies, could but figure the circumstances to themselves, they would see, that the commander of an army must begin by disposing his men, for whatever purpose, *on a drawing*; that upon this drawing he must know, very precisely, all the communications, and all the difficulties, all the roads and passes, with all the ravines, rivers, woods, and whatever else may form natural defences, besides all the *commands*, as they are technically called, or the relative elevations whence one body of men may look down on another, may see or be seen, or, reversely, be concealed, together with much more, which it is unnecessary to particularize. And in reality there is no choice in the matter, as, in nine cases out of ten, he is absolutely compelled to proceed in this manner: Because he may be five, ten, or twenty miles from the scene of action, while he must move bodies of men by order and counter order, without any other guide than his knowledge of the ground, which is, in fact, his military knowledge—his basis and rule of conduct—the very knowledge through which he is a general gaining battles—a Hannibal or a Napoleon—or perhaps a Fabius, or a Wellington at Torres Vedras, refusing battle.

But if this knowledge, this eye, when called into use, is commonly his own, there is much also for which he must depend on the eyes of others—for which he must trust to their drawings, and to their accuracy and *feeling*, as it may properly be termed, respecting ground,—all this depending primarily on that minute knowledge and attention, which nothing but the habit of contemplating nature as the object of representation can ever give,—and in the next place, on a variety of resources as to the modes of expression, which can only be derived from what may be called a philosophical knowledge of art, added to great practice in many other departments of drawing, than that which belongs to the actual case required. He, indeed, who knows

what it is to draw up an army, by a good drawing or a bad one, who even knows how to carry on a geological survey, nay, even almost to ride after a fox, on a good map or a bad one, will be amply sensible, by the results, of the truth of all that has been said; as every artist, as well as military draughtsman, will be sensible, on the least reflection, that we have exaggerated nothing.

To terminate with this particular branch of a military education, on which we have dwelt, perhaps, at too great length, we must give an example to illustrate the practical application of that valuable memory for localities which results from drawing,—from the habit of drawing landscape merely, as well as from pure military drawing. We allude to a night assault—to what is, in fact, the ordinary assault of a place,—an event in sieges, among many more, in which the memory, or tact as to ground, is of the most essential importance; since the accurate guiding of the column of attack through the works may determine the question of success or defeat, and since this is a department of guiding scarcely to be ensured in any other manner, however remote the connexion may appear to those who have not been acquainted with or reflected on these subjects. It is matter of experience, that the best nocturnal guide in all such cases, will be the person who is best qualified to draw the ground to be gone over: and our military readers, at least, will have no difficulty in calling to mind instances in proof. True, there is a great inequality among men naturally as to this kind of local memory, whatever the explanation may be, but it is to be acquired or improved; and it is so gained or cultivated by the practice and experience of this simple and neglected art.

We ought now to turn to that which has commonly been considered to form the fundamental requisite of all military education, and too often not only the chief but the only one. We allude to Elementary Mathematics; as to the true value and uses of which, we shall have some remarks to make in the sequel, and shall only observe, therefore, at present, that mathematical knowledge can only be useful in a professional education, in so far as it is the means of attaining something of a practical nature; but that it is to this extent indispensable, we have no intention of denying. Considered in this practical view, indeed, it is of more wide application in the military art than any other species of knowledge: and bearing this in mind, we shall now proceed to consider the practices of which it is the foundation, as the most convenient order for the examination of this subject.

The first of these immediate applications, relates to that de-

partment which we have just been considering, namely, Military Surveying, or drawing. The foundation of this is land-measuring, in the vulgar sense, or Trigonometry. And it ought to be remembered, that besides actual surveying or drawing of ground, numerous cases are for ever occurring, not to the staff only or to the engineers, but to every officer, where it becomes indispensable to be able to ascertain positions and distances; while it is not less necessary on service, that this should often be done rapidly, and by imperfect means or expedients. It is no less obvious that trigonometry and mensuration, in all their branches, are indispensable to an engineer, not simply that he may construct defences or works, but form and conduct an attack under all circumstances. These are in reality the bases of his art, as far as it consists in fortification; as without them he could neither form the plan of a siege, nor carry it into execution, nor even place or attack a field-work, compute his excavations or his erections, or the number of his gabions, fascines, or sand-bags. The cases which occur to an engineer in the field are often unexpected; new cases, of which there is no previous example. He is also often cramped in time, or incommoded by the enemy, or the other circumstances of warfare, or else he is in want of the usual means, or perhaps of assistance; in want of every thing which the writer in his closet has taken for granted, in his practical rules for the guidance of the operator. He, therefore, who has trusted to routine, or to mere rules, will often fail, because he has not mastered the general principles; while the man of real science will be found also a versatile one, and will gain his ends by means that the other would not have discovered, while he was perhaps a helpless or alarmed looker on. If our engineers failed to blow up the sluice gates of the Antwerp canal, it was because there was no rule for such an operation in Landmann, or any other book: But the man of science would immediately have seen where the line of least resistance lay. He would have applied his petard to the *inside*, not to the *outside* of the gates; and an effort on which so much money and so many lives were expended, would not have failed, to our disgrace and ridicule. That an engineer has more than once failed in blowing up a bridge, from a want of the same fundamental and scientific knowledge, is known but too well in all the annals of retreat, and in some of our own among the rest.

We cannot afford, however, to enter much on details; and shall therefore refer to a great variety of subjects under the general term of Engineering; including what belongs, in the common estimation, to the civil branch of this art or collection of

arts, with what is more properly of a military nature. And certainly this kind of knowledge, even in its widest sense and applications, is indispensable to a military officer ; since, in truth, it is the application alone that most commonly makes the distinction. To enumerate all the specific subjects under this wide division of the mathematical arts, and to point out the different functions and branches to which they belong, would fill a volume : so that we must trust generally to our readers to separate the facts, and to apply them to the several departments of an army ;—to the engineers, the artillery, the quartermaster-general's department, the staff and waggon corps, and even the commissaries. Our military readers will do this without difficulty ; and our civil ones must believe us, when we assure them that we have named nothing which is not wanted somewhere, at some time, by some person in an army ; often wanted by many persons, at many times, everywhere ; often not known, often neglected, and often mismanaged ; and often, therefore, the cause of great expense, great loss and disorder. Now, it is quite certain, that this kind of knowledge cannot be acquired by a merely empirical, or technical training ; and not less so that he who has acquired it by systematic and complete study, will always prove the man of resources, the man (to use a vulgar phrase) of all work. It is he alone who is capable of applying himself to every thing, because he is possessed of those general principles which form the basis of all. It is he who, with the slightest addition of practical knowledge, will succeed better than the man of mere detail, however informed and experienced, even though the specific subject should never have come under his contemplation : and it is he who is invariably more competent to surmount difficulties, or to effect, by means of expedients, that which would have proved impossible to the mere artist, deprived of his usual means, or driven out of his mechanical routine.

To note but a few of these details, as examples of our meaning, it may appear very vulgar to allude to Road-making, or the knowledge of constructing and repairing roads ; and yet this is a knowledge by no means common, as the history and condition of roads, even in such a country as ours, and to so recent a date, has shown ; while it is a knowledge on which the loss or gain of an action, the event of a campaign, the salvation or destruction of an army, may depend. As locally connected with this, we may name the passage of rivers, the construction of Bridges of whatever nature ; and if this has been as a duty allotted to one corps, we can see no advantage in being ignorant of it ; and were we but the whiskered cornets of the Tenth, we should certainly

consider ourselves the better men for being able to erect a bridge,—were there nothing more depending on it than the passage of a ditch by our own petty command. Xenophon's army was ferried across an otherwise impassable river by a native who chanced to know the use of skin rafts: And but for this casual piece of knowledge, not found in his own army, it is probable that the Retreat of the Ten Thousand would never have been written. And very seriously speaking, it constantly happens in a campaign, and in the case of all the specific services, that great impediments arise from the want of efficient numbers in these several departments, or from their absence at a moment of emergency; while the casualties of war, in addition, very often remove in an instant the individuals on whom these services hang, and on which it but too often happens that the whole efficiency of a particular service or of an army depends. Should we put the problematical, yet very possible case, that all the knowledge requisite for conducting the siege of St Sebastian had been confined to Sir Richard Fletcher, and that he had been killed at an earlier stage of that siege, it is plain that the attempt must have been entirely abandoned; and it is but too true, that in the last war, as in thousands of former instances, services of the greatest importance have been suspended, or have even failed, because there was no supply of educated men to replace the especially technical ones whom the casualties of action had removed.

An universal, ready, and versatile knowledge of machines and machinery, and especially of gaining special ends in general ways, and through bad machinery or expedients—often, as it happens, even under the want of almost every obvious requisite, (a knowledge seldom acquired in a purely technical education,) is perhaps the kind of knowledge, as to machinery, which will most frequently be wanted by a military man: and if it is admitted to be chiefly, or rather absolutely necessary to the engineers and artillery, it also extends to the waggon train, the staff corps, the quartermaster-general's department, and even to the commissaries, and the medical staff; while, for the reasons already stated, there is no officer in an army to whom it may not on some occasion be necessary.

In proceeding to speak of Fortification as another of the distinct applications of mathematical knowledge, we have to meet the usual objection, that none but an engineer need acquire this art or science, or can be called in to make use of it. But having already assigned the reasons for extending through an army as widely as possible, the several branches of education required for any one department, we may here add, that so many objects rank under fortification, or military engineering, and so many

persons are or may be concerned in them, that we can scarcely conceive a thoroughly efficient officer without this kind of knowledge. It is barely sufficient to name the defence of a town, or of lines, or of a *tête de pont*, or of a redoubt, or the attacks of these, from a regular siege to the storming of a battery, or the forcing a series of entrenchments, to see that there is scarcely an officer to be imagined, who may not be required to exert knowledge on this subject, or to whom such knowledge may not become of the most essential importance; while the details will be apparent on the slightest reflection to any one acquainted with service.

If there were no other reasons in favour of this extension of the knowledge in question, but those which are founded on the casualties of war, they would be sufficient: For it must often happen, as it did in the late war, that the engineers were insufficient for their necessary duties, or became so from their losses: the whole of the officers with a division of the army having been on one occasion made prisoners at the same time. And the truth was, that during a considerable period, from the middle of the war onwards, Woolwich was actually unable to send out the requisite supplies of educated young men in this department; and that the deficiencies in consequence were very severely felt on many occasions.

For the same reasons, it would be of advantage that the officers of the army at large should be educated in that which forms at present the especial knowledge of the Artillery. This knowledge may be divided into two distinct portions, namely, construction, machinery, and materials, on the one hand, and use, or service in the field, on the other. And since the foundation of the first division consists in that general or fundamental mathematical and mechanical knowledge already pointed out, it ought not to be very difficult of attainment by any one thus educated; as in reality it is easily acquired with a very moderate portion of industry, aided by some acquaintance with the objects themselves. And we may here observe, that the practice of confining the education and the service to a particular set of officers, gives an air of difficulty, as well as mystery, to these branches of knowledge, and repels or terrifies young men from even making the attempt to acquire them. In truth, however, there is nothing so difficult or mysterious in the knowledge or business of either an artillery or an engineer officer, as to be beyond the reach of any industrious young man who has received the fundamental education here alluded to, and within a very short time; and though it is unquestionably proper that regiments should be distinguished for special services, and particularly in cases like these, where

practice is required in addition to mere knowledge, there can be no necessity for excluding from such specific acquisitions any other body of men, even were it not certain that absolute and direct advantages would flow from the opposite conduct. We believe also that this would tend to diminish or destroy those petty, and frequently inconvenient, jealousies, which so often spring up between different classes of service; or that, in this particular case, the coldness and repulsion often displayed by the officers of the line, towards the *corps à talens*, as these are often ironically called, would soon disappear, when no corps and no man was any longer presumed to be in possession of all knowledge, while the rest were mere ignoramuses.

It is proper, however, to state, that no very exact or profound knowledge would be required, for those who might make these acquisitions without belonging to the special service. If one in a thousand can construct a piece of ordnance, or a carriage, or make gunpowder, or even understand these and many other matters, it is as much as ever happens, even among the talented corps; and as much perhaps, as is likely to be of use; so that, after all, the burden of such acquisition could not be very great to any man. As to the service, there is much, of course, which would demand actual practice, and which will therefore be better done by him who is in daily exercise: But if a raw recruit can, in six weeks of his drill at Woolwich, become a sufficient gunner, it could not require any very great labour, for any officer of a general military education, and already accustomed to ordinary field movements and computations, to render himself, if not equal to a practised artillery officer, competent at least to supply his place on an emergency, and to perform all his ordinary duties. Some degree of this knowledge is at all events indispensable to every officer in a separate command,—were it only to prevent him from giving orders that cannot be obeyed—as many skilful artillery officers can testify to their sorrow. They perhaps alone know what is right and what is possible. Yet they must obey absurd and improper orders, without remonstrance or explanation,—of which the least evil, wasting their fire, or wasting their men, occurs daily; while there is scarcely an officer of any experience in either of these services who cannot recollect much more serious disasters from the same cause.

To proceed to another and a very different department of knowledge, the necessity of Geographical and Statistical Knowledge for all military men, without exception of rank or duties, ought to be too obvious to demand much discussion or proof. It is impossible that an officer can be too intimate with every thing that is comprised under these heads, in those countries

which are the seat of war: such as the physical geography, the political one, the agriculture, the seasons, the climate, the nature of the winds and weather, the state of the soils as to moisture or dryness; the mineralogical or geological characters; the population, under all its circumstances and distribution, numbers and character; the commerce, internal and external, and more than it is here needful to enumerate:—all of these things relating to the resources of a country; to its difficulties or facilities; and all in some way regulating the operations of an army, and in fact disposing of all that is not the actual collision of action. To specify the various cases in which such knowledge is available would be endless; but it is plain that as an army is always most efficient in its own country, other things being equal, a very large portion of this efficiency must be derived from the accuracy and extent of this very knowledge, which is the result of intimacy; so that our object should be to attain a knowledge of other countries as nearly equal to that of our own as possible.

While there are many things capable of affecting an army, which depend on climate, season, soil, physical geography, and so forth, there is not one more deeply important than that which relates to the power of these, separately or combined, in affecting the Health of troops, by the production of fever and dysentery; diseases which have always proved the great scourge of armies, and have often been far more destructive than all the other events of war united. We allude here, of course, to the existence or production of *malaria*, and its consequences; since, whatever destruction may have been produced by contagious fevers, these have little or no connexion with soil and climate, and, in fact, bear no proportion to the two diseases in question, which are the produce of this destructive but obscure poison. How often these losses have arisen from ignorance of this needful knowledge, and how ruinous the consequences have been, we should have thought it unnecessary to say, had not this ignorance been as obstinate as fatal. Walcheren, it might have been concluded, would not soon have been forgotten; yet it was so; since the same ignorance or obstinacy was displayed repeatedly after this catastrophe. In Sicily, Malta, Minorca, Portugal, Spain, our troops have repeatedly suffered, as they did at Walcheren; if less conspicuously to those who hear of the killed and wounded only; and there is not one case of all these, involving a total loss of not less than thirty thousand men, (as Walcheren alone was the ‘sufficient reason’ for the destruction of ten thousand,) which cannot be traced to that persevering obstinacy and conceit, which are the produce of ignorance, determined never to learn. The Ionian Islands, now, can re-

cord the same tale—as can India, daily. Orloff lost his entire army at Paros from this cause; yet it might, with him, have been comparatively excusable, as we would equally excuse the commanders of the French army before Naples in 1528, for losing 24,000 men out of 28,000 in a few days, if it were not that the Romans and Greeks of the classical times had left us their knowledge and their warnings, as to these very localities. Never, perhaps, did ignorance lead to such grievous and humiliating results. The expedition to Walcheren, planned and conducted as it was, was the fruit of statistical ignorance in every one, everywhere, from the Prime Minister to the Commander-in-Chief, and from him to the surgeon's-mate. That ignorance, which every Middleburghian, any Dutchman, could have enlightened or dispelled, cost us ten thousand brave men, not a little money, and not a little credit, and not a few tears and inconveniences to those whom statesmen never consider.

The only other kind of statistical knowledge which may be of use, and which we can here afford to specify, is that which belongs to the Geology of the seat of war. To military surveyors this is always of great value, as indicating the forms and declivities of ground, often even without the labour of surveying them rigidly, always a guide of some kind, and often a very accurate one. It may often be not less useful to the engineer in many of his undertakings; as in his saps, his mines, his operations generally, where earth is concerned; and often not less so where water may be in question; ground to be drained or inundated, or water defences to be executed. Yet there is no system of military education in this country, that has ever attempted to teach one of the branches of knowledge on which this variety of statistical information can alone be founded, or from which it can be derived. The ordinary or political geography is supposed to be known from our birth. It is to be presumed,—and we all know what the truth of the presumption is. As to the physical geography of any country on earth, it is known, if it be known, from one of Mr Faden's maps; of the morals, the dwellings, the food, the commerce of all such countries, an officer may have heard that a Portuguese carries a long knife, eats garlic, sells port wine, and buys bacalhao; while, if his destiny be India or Africa, he may discover, after the loss of five or ten thousand men, that the sun is very hot at midday, that a monsoon shifts the wind in his teeth, blows across a jungle, and poisons half his camp, that his bridge of communication is very surprisingly washed away by an inundation foreseen by every body but himself, and that the half of the army which is not poisoned by rice fields, is starved,

because his troops cannot get bullocks to eat, and that his transports cannot reach the shore, or lie in harbour, just when he wants them.

But we must pass on to the only other branch of technical knowledge, on which we are compelled to say a few words, because it *has* formed part of the system of education in all our military schools—Chemistry: That there can be no general scientific education without this most important and extensive science, nobody can question. Yet the practical uses belong chiefly to the artillery service, though occasionally they may also concern the engineer. But we need not dwell on this; and finding it necessary to draw to a conclusion, shall do little more than name Architecture, the general and practical principles of which ought to be taught in military schools, at least to those intended for engineers, since they are often employed and trusted in works of this nature, as in other branches of civil engineering. Yet there is no necessity for extending this kind of instruction further. It has no relation, or at least but a very remote one, to pure military service; and it is, indeed, only because military engineers are employed as civil ones also, in the works of fortification and barracks, that it becomes an essential part of their instruction.

And thus we may conclude our account of the essential subjects, or departments of knowledge, which appear to us necessary to the military profession. It remains only to offer some remarks on our systems of military education, as they exist, or have formerly existed, among us. Yet here, also, the remarks must be general; and without distinguishing the particular school, or points on which these may have differed,—partly because we have no room for details, and partly that we may avoid the appearance of particular censure, where our object is only to extend the knowledge and attainments of the army. Now, we conceive it to be the leading error of all these institutions, (though we are aware the remark may excite some surprise,) to consider the study of Elementary Mathematics as not merely the basis of this education, but the very education itself, and almost the sole one; as if the object had been to make mathematicians, not soldiers. We admit, of course, that such elementary instruction, to a certain extent at least, is necessary to some of the practical purposes already noticed: But they who know how these works are executed in actual life, and well executed too, know equally well that they are performed by the mere rules which mathematicians have laid down, and without any elementary knowledge in the performers. This is literally true, in the very great majority of

cases of surveying, engineering, civil and military, of common architecture, of naval architecture, of machinery, and even of practical astronomy and optics,—in fact, of every thing; while, as the system of the military academies is now constituted, all these artists, were they educated in them, would acquire, or rather labour pretty much in vain to acquire, fluxions and conic sections, without ever learning how to survey a field, construct a mill-wheel, or erect the centring of a bridge. In reality, the very use and purpose of mathematicians is to invent rules for practical men; whereas the education at present given to a soldier is not that which teaches the use or application of mathematics, which is truly what he wants, but the means of making the rules, and knowing the reasons for them, which he does not want. And the common result is, that he does not acquire even this; from want of time, from want of ambition, from repugnance or indolence as to the acquisition of an abstract science, the utility of which he can scarcely ever be persuaded to reflect on.

Farther, this education is forced equally on those who have inclinations and abilities for the study, and on boys, who, from extreme youth, undeveloped faculties, natural incapacity, or a dislike, cannot or will not acquire it: For he must be a very bad observer in private life, who does not know that the attempt is often utterly fruitless, and in no small proportion of instances; while mathematical teachers also know well, that the power of comprehending demonstrations does not generally appear till about the age of fifteen, or is at least of little value before that period; while mere boys are sent to these academies, to be disgusted with insurmountable difficulties, and to learn a few problems by rote, which they forget as soon as the examinations are over, and they are relieved from the discipline of the place. Upon the same erroneous principle, the acquirement of abstract mathematics is made the only test of abilities, and the sole source of honours and rank, appointment to a commission, &c.; while no respect whatever is paid to those acquisitions, however practically useful, nor any regard shown to abilities, that have not displayed themselves in this particular department. Surely it requires but little knowledge of the human mind, and little practical experience of life, to know that many men of the highest abilities in many departments of knowledge, have never been able to comprehend the six Books of Euclid. Swift is a noted instance. But we cannot look through our aristocracy and legislature, or to the Army itself, nay not to nine in ten of our engineers, surveyors, and machinists, without seeing, that, in all this mass of varied knowledge and ability, there does not exist

perhaps a single profound mathematician,—not one in a hundred, or perhaps a thousand, who thoroughly knows the foundation even of plane trigonometry or the Rule of Three, in their respective theorems, or has heard of the purpose or nature of algebra, much less of what an equation is, and what it does. And if it be true, as we have already said, that a very small portion of elementary mathematics is sufficient for all practical purposes, it is impossible not to be struck with the absurdity of carrying this system so far, as to compel the acquisition of fluxions and conic sections; when the eight Books of Euclid, and a power over quadratic equations, comprise all the elementary knowledge that can almost ever come into use. To youth, such as the pupils in all the junior academies, these are serious difficulties; while they occupy two or three years of life, in fact nearly the whole pupils' time, which might be so much better employed. There is, in truth, no practical use derived from these higher branches; or, if there are a few, they are better executed through rules, and are, in fact, always so executed, be the elementary acquisitions what they may. The exciseman who gauges a cask, and who never heard that his rule is derived from a fluxional computation of the contents of a portion of a parabolic spindle, will levy the duty per gallon as well as Simpson could have done, and perhaps better; while the very inventor of the rule himself will forget his elements and his reasons, when he thrusts his rod into the liquor and adds up the figures. But in this military course of instruction, it is more especially ludicrous to find what the reasons for acquiring conic sections are. The reason for half a year's hard labour, during the most precious time of the pupil's residence, is simply that shot *ought to* fly in a parabolic curve, though in reality it does not. Nothing can be much more unlike a parabol than the actual path of a shot or a shell; and though it were one, the knowledge of it certainly would not enable the artilleryman to kill a man the more, nor throw his shell more certainly over the parapet.

If, however, all this must still be done, in spite of all that common sense can suggest, or experience prove—if to have measured an ellipse or a hyperbola, computed the paraboloid of a sprung mine, or an useless radius of curvature, is to be the only admissible title to a commission, it would certainly be better if the pupils were compelled to make a certain advance in the lower elements before admission into a military school. At present it is enough if they know vulgar fractions; a magnificent acquisition assuredly, at fourteen—since it may easily be acquired by a child of eight.

There is one argument in favour of a mathematical education, which one hears so often and so confidently urged, that it is difficult to give it a quiet answer. This very original proposition is, that this abstract science forms the best course of intellectual discipline, or constitutes the only valuable and only true logic. It would take a larger space to expose this fallacy than we can now afford; if it were necessary to expose all the minor fallacies on which it proceeds. But this is not necessary. Doubtless mathematical demonstrations consist of syllogisms; but logicians need not be told, that to know the names of the tools does not necessarily produce good work, or any work: And what the syllogism alone did for the human mind, when it had no materials to work on, is a history but too well known. But whatever might be its worth, it is plain that the *mathematical* use of it never can form a discipline applicable in any respect to that great mass of facts and events, or to that knowledge, which constitutes the actual business of human life. In the demonstrations or syllogisms of mathematics, the conviction is clear and indisputable, through every step of the process. There is no possibility of doubt, or confusion, or evasion, because the terms are few and clear, and cannot be denied. There are, accordingly, no probabilities to weigh, no prejudices or affections to distract—nothing of all that which forms the exercise, as it produces all the difficulty, of reasoning in the affairs of life, and as to human knowledge in general. Truth, no doubt, is the object in both cases, as it necessarily is of all reasoning; but the difference is, that no one cares what the truth may turn out in mathematics; since there is not a geometer who would not be quite as well satisfied that a triangle should contain ten right angles as two, provided it were proved. Add to all this the important and indeed decisive specialty, that mathematical reasoning applies solely to abstractions, of the most ideal or visionary nature—to Form, Number, and Space—while all human reasoning on other subjects, is founded on realities, and those of a most complicated and varied nature—often so complicated, that they cannot be disentangled by any power of mind. It is very necessary also to remark, that the mathematical syllogism is limited to Geometry; so that, whatever may be the value of mathematics as a means of mental discipline, it is to this department that their power must be confined. Algebra, the entire system onwards to the differential calculus, may be a trial of patience and of ingenuity in a particular department; but is as utterly unconcerned with processes of reasoning, as the feats of a tumbler or a shuffler of cups and balls—if we except the very little, difficult enough we do not deny, which consists in finding out how to begin, and what the data are. But in the

main operation, from the fluxion until the finding of the fluent, the operator knows no more of what is going on than the Man in the Moon, unless he should choose to stop and make his substitutions. He is a conjuror, in short,—an alchemist; he shakes a box of dice, and tosses his elixirs into a crucible; and the end, of which he even suspected nothing till it arrived, is somebody's fortune, or a bar of gold!

We pass, however, from these high matters; and turn back to the actual condition of our schools, to say, that, in truth, even when this all-sufficient science is supposed to have been learned, when the aspirant has undergone his examination, received his prizes and the *licentia superiorum*, with the nomination to a commission, he either knows as little of mathematics as he did when he commenced, in ninety-nine cases of a hundred,—or he takes especial care to forget it all, before he has worn his epaulette a year. And it cannot be otherwise. He has been taught a rote; and his very teachers are but what they have made him, men of rote. Few, indeed, who do not know what a mathematical school is, and what are mathematical teachers in general, can suspect, or believe, how purely matter of memory and mechanism all this—is—can believe that not an exertion of the reasoning faculty is ever brought to bear on it; and that to put the teacher, as well as the pupil, out of his mill-track, is like depriving the actor of his catch-word, or the dancing bear of his bagpipe. It is all matter of memory and association; and neither improves the reasoning power, nor graduates into practical knowledge.

If we have dwelt long on this abuse in our military schools, it is because we consider it by far the greatest existing, and also the most difficult to correct. How we think it ought to be corrected, may be readily inferred from what has here been said, and without a detail that we cannot afford: But it may be right to state in one word how we would wish to occupy and direct that time and attention which are often so entirely wasted on elementary mathematics. If it is to no purpose that an officer can determine a centre of oscillation, when he cannot build a bridge, or lay a mortar, or make a *reconnaissance*—the true remedy is, that he should learn how all these things are to be done, while at school, that he may afterwards be able to do them when wanted. We do not say that he does not learn any thing practically useful, but he certainly learns very little; and if utility is the ultimate purpose of all education, why should he not learn all that can and must be wanted? Let these academies then lower their fanciful standard of elementary mathematics, reduce the time wasted on them, and teach, by actual practice and example, what their pupils will have to execute hereafter; and thus also will

they excite the industry and ambition of those who would often labour cheerfully if they could find an interest, or see a purpose ; but who now hate and shun their mathematics at Sandhurst or Woolwich, just as they hated their nonsense verses at Eton and Westminster—and really not altogether without reason in either case.

We have but one or two short remarks to add : The manner in which the drawing of landscape, so indispensable in military surveying, is generally taught, is nearly useless, since it consists in nothing more than copying ; which, if it gives mechanical dexterity, can give nothing else. But it was a far greater abuse, and we fear it is not quite corrected yet, that fortification was taught in no other manner. All that was required was, to copy Plans of works of different kinds, enlarging them from the school books, or imitating the master's stock in trade ; while the merit was measured by the accuracy of the copy, and the neatness of the work. And thus it frequently happened that the pupil left the Academy, and received his commission as an engineer, without even knowing what the profile was, or what it meant ; without knowing more about it than that there were so many lines and shadows on his ‘Plate :’ while not a single principle or purpose of the whole art, was ever explained to him ; so that had he been asked to build even a redoubt, he would not have known what it was, far less how to construct it.

It is the same fault which reigns throughout : the want of the applications, of a reference to the facts, to the uses. Certainly this is a ‘doux chevet’ for the teachers ; but it ought not to be, and would not be so, if they who appoint and manage these establishments were more competent. It is here as in the monopoly of education by the clergy ; the planners and superintendents cannot order or cause to be taught what they do not themselves know ; and as all these things react after they have acted, it would not be among the least of the advantages derived from a greater extension of knowledge through the army at large, that the entire systems of these schools would be altered in no long time ; and that the effects which they ought to produce would be at length attained.

We pass purposely over all that relates to Discipline, and shall add but a word on the waste or misdirection of time. To attempt to preserve the knowledge of Latin in these schools, we take to be entirely fruitless ; and if it does not occupy much time, it takes up what might be better employed. No Latin, in reality, is generally brought from any school, public or private ; or what there might have been, is forgotten, as it is hated, as soon as the restraint under which it was taught is removed.

That dancing, and a dancing master, have recently formed an integral part of such establishments, is another of those follies at which we might smile, if the time could not have been better occupied in such military amusements and instruction united—in the management of artillery and machines, and the construction of models, or of actual works, on a small scale—as would form an acceptable substitute even for cricket. Of fencing, the same. But it is time to have done. What has been said cannot well be misapprehended; and is enough, we think, to explain all the principles required for a reformation in this important branch of education. We purposely abstain from details that might be censured as invidious, or railed at as savouring of presumption. When there is a real wish for improvement, these will be easily supplied. It is our present purpose to make such a wish general; and to enforce, in short, this plain and comprehensive principle—That in all education, the purpose is use; the test, the capacity of practical application; and that, whatever is the subject to be taught, that mode is to be preferred which best enables the pupil to turn his knowledge to account; and that system the most eligible, which produces the greatest practical result with the least expenditure of money, time, and labour.

**ART. VI.—*Architectural Antiquities of Great Britain.*** By John Britton, F.S.A. 5 vols. 4to. London. 1805—1825.

AFTER all that has been said and written on the subject of Gothic Architecture, and notwithstanding the valuable assistance furnished by draughtsmen and engravers, who have published the most accurate representations of what they have themselves beheld, in all its progressive stages, it still remains involved in the same obscurity as when its attempted revival first attracted the notice of the public. Volume after volume has since that period been devoted to the discussion of its several departments; yet, however easy it may now be to speak plausibly on insulated matters appertaining to it, we believe that no comprehensive view of its origin and progress has ever yet been satisfactorily given.

It did, indeed, require no trifling share of ability, supported by no ordinary enthusiasm and perseverance, to rescue this delightful study from the neglect into which it had fallen, immediately after its final decay in the sixteenth century. At first sight it may seem remarkable, that, at that particular moment, when the influence of Rome over our church and nation

was violently arrested, our architects, after a general abandonment of so many centuries, should again submit to imitate and engrraft upon their own, the rules and style of the Italians. But the seeds of that revolution in architecture had been long sown. Before and up to that very period, our communications with Italy had been frequent; and, as we know from such examples as the Earl of Surrey and Sir Thomas Wyatt, foreign travel was often undertaken, as well for the purposes of advancement in literature and the arts, as for that of idle recreation and amusement. But, in truth, this taste was in the main derived to us through the medium of France; where it had been adopted some time before; and where the later edifices, although still retaining the same general forms, had already exchanged the chaste luxuriance of Gothic ornament, for the incongruous Arabesque of Italy—as may be seen in St Jaques, at Dieppe, and Notre Dame, at Caen. The Germans, with whom our intercourse was then but slight, seem to have escaped almost entirely from the absurdities which prevailed at that period—which has been strangely enough dignified by the French with the title of ‘*Epoque de la renaissance des arts.*’

The chantry of Bishop Gardiner, erected by himself in Winchester Cathedral, about the year 1540, is one of the latest specimens of Gothic architecture in our country; though even this can hardly be called Gothic, mixed up, and masked as it is, by the prevailing ornament then recently introduced from the designs of Holbein. In 1574, Longleat, in Wilts, was built after the designs of John of Padua, who succeeded Holbein in that mixed style which was composed of Gothic and Palladian. The latter of these fashions, however, seems to have gradually gained ground during the remainder of the 16th century, and finally to have obtained a stronghold in this country; while the works of Inigo Jones and Sir Christopher Wren, in the age which followed, entirely superseded and effaced all vestiges of the taste for Gothic. It is true, that the latter not only wrote upon the style he had exploded, but also erected the two western towers of Westminster Abbey: But it had been better for the beauty of that noble edifice, as well as for his own fame, if he had never attempted either.

Whilst a new style of architecture was thus rapidly gaining ground in our own country, ecclesiastical poverty in the first instance, succeeded by reforming madness in the second, completed the degradation of the old; and had nearly succeeded in effecting the destruction of every Gothic edifice throughout the country. After these two disastrous periods of iconoclasm and anarchy had passed away, the zeal of ignorance, by injudiciously repairing what their ancestors had wickedly defaced, put a

finishing stroke to the mischief; which was in this manner accumulated for something more than a century. When we see a revolutionary Saint like Richard Culmer, better known by the name of Blue Dick, employed in dashing out the glorious imagery of the painted windows at Canterbury with a pikestaff, or, like the soldiers at Arundel, scooping out an oven in an altar-tomb, our indignation smothers our regret. But when a pious Bishop conceals, as Richard Neale did in 1627, at Winchester, a large portion of the high altar behind a screen of wood-work, as tasteless in itself as inconsistent with all around it, we reconcile ourselves by the reflection, that the splendid work behind has thus been effectually defended from that sacrilegious destruction which was so shortly to ensue. The high altar of Milton Abbey, Dorsetshire, was in like manner plastered over for security, till brought to light by Wyatt during the progress of the new works by Sir William Chambers. Heads of images have been accidentally discovered in Winchester Cathedral, their faces let into the walls, and the back of the heads smoothed away, so as to present only a flat surface to the spectator.

During these periods, and down to the latter end of the last century, Gothic architecture was seldom mentioned—never but in terms of contempt, and only a few ludicrous caricatures of it were attempted. In 1742, Batty Langley published a book of Gothic designs, professing therein to revive the art, which had been entirely lost, he said, for many centuries past. Langley, however, was not the man destined to recover it; and though he may perhaps have somewhat helped to bring it once more into notice, his personal acquaintance with the subject, notwithstanding his ‘assiduous researches for upwards of 20 years in many ‘of the most ancient buildings,’ was very superficial indeed. Horace Walpole gave ample opportunities, though on a small scale, to the ingenious Essex to exercise his antiquarian knowledge; yet, after all, Strawberry Hill did little credit either to the architect or the designer. But the taste for Gothic was now evidently reviving; and Deans and Chapters began to turn their thoughts towards remedying the dilapidations of their cathedrals. With how much zeal, and how little judgment, these repairs were then conducted, the temerity of James Wyatt at Salisbury, Litchfield, and Durham, sufficiently attests; and may be well contrasted with the skill and science more recently displayed in the restorations at Winchester, at Canterbury, and in Henry the Seventh’s Chapel, Westminster. The learning and research combined in the able treatises of Milner and Bentham, tended still more to render the subject accessible and popular. But a certain evil attended this popularity; for the numerous authors, who were thus tempted, with little preparation, to write on the subject, very na-

turally increased, by their contradictory and narrow views, the obscurity which previously overshadowed it; as an intricate cause is not greatly elucidated by the conflicting testimonies of fifty different witnesses. In the present case, it looks as though every one had entered on the enquiry, irretrievably committed in favour of some particular system, or under the necessity of confining his researches to some particular country. And thus each resolutely shut his eyes to whatever was likely to weaken his own arguments; and prejudice, or partial ignorance, was suffered to suppress what larger or more enlightened views would have called in to the aid of bold and manly investigation.

Mr Britton, in the fifth volume of his Architectural Antiquities, has collected nearly all the different opinions on the question, amounting to upwards of fifty, extracted from set treatises or incidental disquisitions. To these we may add the essays and remarks of MM. de Gerville and Deshayes, translated in a small periodical Journal, called the 'Crypt,' and particularly those of M. de Caumont, which have appeared in the Memoirs of the Society of Antiquaries of Normandy, together with that of M. Delaqueriere, in his introduction to the 'Description Historique 'des Maisons de Rouen.'

We have before alluded to the important assistance contributed to these researches by the aid of graphic illustration. Of those who have laboured in this line, the first was the enthusiastic and indefatigable Carter, who, in two large folio volumes, and in his drawings executed for the Society of Antiquaries, collected a body of specimens, elucidating the earliest period of English architecture, painting, and sculpture; a labour, for the unassisted endeavours of a single man, almost beyond belief. Britton, in his Cathedral and Architectural Antiquities, has pursued the same plan, and presented us with a large variety of objects most admirably delineated by the most distinguished artists who have followed that peculiar line of drawing and engraving. Pugin, after publishing two sumptuous volumes, illustrative of the same style in England, has been subsequently employed in selecting the most important and interesting specimens from the edifices of Normandy. Moller, in Germany, has given a volume containing elevations, sections, plans, and details of churches, and other ancient structures in his neighbourhood, (chiefly those along the Rhine.) all of them contributing to further the great work, by leaving no country unexplored, where buildings may be found likely to cast light on the difficult and intricate question of the architecture of the middle ages.

We do not intend, on this occasion, to weigh every unsupport-

ed theory, or to answer every idle suggestion; labour would be only thrown away on such a task, and even tend to increase the difficulty we are anxious to dispel. But the work has, besides, been in a great measure done for us; by individual opponents effectually demolishing each other, in some cases; while the sure test of public opinion has consigned others to the oblivion they have been thought to deserve. By these means, many a fanciful proposition, which had otherwise encumbered the ground, has been already cleared away; and a more complete acquaintance with individual facts has prepared the public mind for a more perfect conception of the whole; and already dispelled much of the mystery which had been thrown over the subject by men of science, who did not feel the genius of the architecture; by architects, who knew nothing of its history; and by men of taste, who were ignorant of, or grossly inattentive to both.

Being more anxious to be understood, than solicitous about the strict propriety of our language, we shall make no other division of the architecture of the middle ages, than into that distinguished by the semicircular Roman or Norman arch; and that marked by the pointed, or Gothic. What was (or at least what was *not*) the true origin of this latter style, we do not think it very difficult to determine. We do not believe, in the first place, that it was imported, as a foreign exotic, from any remote region, in a state of original perfection. We do not believe, that either in its rude or mature state, it was borrowed from the Moors in Spain, or the Saracens in the Holy Land; or that, as Payne Knight has been pleased to imagine, it was 'merely a corruption of Greek, by a mixture of Moorish or Saracenic, with a combination of Egyptian, Persic, and Hindoo.' Still less do we believe that its prototype was derived from branching avenues and interlacing boughs; or from sheaves of lances, or the pliabilities of wicker work. These sources are, in fact, at once too fanciful, and too original and ingenious, for an art which neither grew up from infancy among a primitive people, nor at once assumed a precise and decided character; but was engrafted by settled races, upon old-established modes of building, and was *gradually* invested with those peculiarities which afterwards suggested these ingenious theories to speculative minds.

Its true origin, we conceive, is to be found in the style which immediately preceded it: and its perfection was attained, not by any sudden discovery, or the developement of any new principle, but by a tasteful and progressive combination of those ornaments, contrivances, or beauties, that had at first been separately devised. The Romans, if not the Greeks, had left

magnificent specimens of *lofty* buildings, and even of tiers and series of arches and windows, in their aqueducts, their theatres, and amphitheatres. The intersection of the circular arch, first projected, in all likelihood, as a casual ornament, generated the pointed arch : the clustering of columns for strength probably suggested their clustering for beauty ; the square pier would naturally become indented from the same analogy ; and ornament after ornament would be invented, as the genius of the builders was developed, in an age where wealth was in few hands, and where there were but few other means for its employment, till the stately and imposing piles of the magnificent Gothic arose, to predominate over the more massive grandeur of the models of classic antiquity.

This too, however, we confess, is but speculation ; and as such only do we offer it to our readers. But we have less diffidence in announcing our entire conviction, that, at all events, this style was but gradually invested with its splendid peculiarities : and that nothing can be more erroneous than the supposition, that the pointed arch, the clustered column, the deep-groined portal, and the flowering capitals, were all introduced simultaneously,—and recognised from the beginning, as consistent and necessary complements of the same grand design, or exponents of the same original idea. On the contrary, we are perfectly persuaded, and can refer, indeed, to indisputable facts in support of our opinion, that almost every one of these embellishments was separately invented and applied ; that the primitive architecture of a Gothic palace or cathedral was distinguished by semicircular arches, and plain round, massive columns —and that these successive enrichments were all independent and successive inventions, by the elegant accumulation of which those gorgeous fabrics were at last composed, which have ever since commanded the admiration of the world. An investigation of no great extent will establish, we think, beyond all question, the truth of this proposition.

I. COLUMNS.—Milner having noticed the tall, slender, and clustered columns, which he says were introduced along with the pointed style, and formed a necessary adjunct of it, continues : ‘ Hence it became necessary to choose a material of firm texture for composing them, which occasioned the general adoption of purbeck for this purpose.’ (In truth, this purbeck, or black marble, was in use long before.) ‘ But even this substance being found too weak to support the incumbent weight, occasioned the shafts to be multiplied, and thus produced the cluster columns.’ Now, whatever may be in this, there is no great

difficulty, we think, in following up, at least historically, the successive combinations and additions by which the massive round column, and the simple square pier, were gradually transformed into these elegant and light clusters, which constitute so prominent a feature in a Gothic church. The former were doubtless the earliest and most simple supports for the superincumbent tiers of arches, introduced in the later periods of Roman architecture; and we find the column thus situated in the peristylum of the palace of Diocletian at Spalatro, and in the nave of the massive cathedral erected at Aix-la-Chapelle, towards the end of the eighth century, by Charlemagne.

This primitive square pier being first indented at the angles, (as at St Alban's,) produced a deviation, which was farther enhanced by a semi-column occasionally attached to the sides, and helping to support the arches and groins, or wood-work of the roof. (Winchester, north transept; Mentz.) When the angular indentures were occupied by entire shafts, so common in all edifices of the immediately succeeding period, a perfect clustered pier was formed. (Durham; Abbaye aux Hommes, Caen; Bonn.) It was a similar taste for multiplying the parts, which enriched the simple column. In an ancient building, now destroyed, but minutely described and delineated in the fifteenth volume of the *Archæologia*, and probably erected by Bishop Herbert Losing before 1101, the main columns were perfectly round, with *four* smaller cluster shafts placed close beside them, but nevertheless detached. In the Galilee of Durham Cathedral, built by Hugh Pudsey in 1153, and in the Round Church of the Temple, London, of the time of Henry the Second, the tiers of arches are supported by clusters of *four* columns, with Norman capitals; and in the front of Upton Church, Huntingdonshire, a cluster of columns, in the Norman style, supports the basin. In the chapel of Joseph of Arimathea, at Glastonbury, there are cluster columns of black marble, united by bands; as also at the hospital of St Leonard's at Stamford. Now, all these examples are of the proper Norman period; and in the two last the clusters are against the walls, where they would hardly have been placed, if mere want of strength had been the cause of their adoption.

These facts, we think, are sufficient to show Milner's twofold error; in supposing, first, that clustered columns were first used subsequently to the introduction of the pointed arch; and, secondly, that they originated in the weakness of the *taper* Gothic shafts, and their insufficiency, when single, for supporting the arcades. No one, indeed, would be inclined to apply that epithet to such shafts as support the east end of Canterbury Cathedral; and yet we know of no other sort of single shaft ever placed

in similar situations. But, at all events, it is established by the examples we have cited, that the clustered piers were known and used long before the period of the pointed arch,—and that the clustered columns were equally well known, though perhaps not so generally adopted.

II. WINDOWS.—‘As to the windows of that age,’ (Henry III.) says Bentham, in his introductory chapter to the History of Ely Cathedral, ‘we find they were long, narrow, sharp-pointed, and usually decorated on the inside and outside with small marble shafts.’—‘In a building of three stories, the uppermost commonly had three windows within the compass of every arch, the centre one being higher than those on each side. The middle tier or story (the triforium) had only two within the same space; the lowest, only one window.’

Now it is quite true, that the three windows within the compass of every arch, the tallest of them in the centre, form a very striking feature in the edifices of the above period. (Salisbury; Wells; Bristol; Temple Church, London.) But these are by no means the earliest specimens of this form, nor are such windows to be found *exclusively* in Gothic buildings. The same design may be very clearly traced in the Norman clerestories, although only one of the arches, the centre one and the tallest of the three, was as yet perforated for a window. (Naves of Durham and Norwich; Winchester, north transept; Romsey church, Hants; Abbaye aux Hommes, Caen.) But the west window of the chapel of St Joseph, at Glastonbury, is a most complete specimen of the triple-headed window—with this exception only, that it has *semicircular*, instead of pointed arches.

The middle tier, or story, mentioned by Bentham; that is, the triforium, or space between the clerestory and lower arches of the nave, was composed, both in Norman and Gothic cathedrals, of a series of arches. The simplest consisted of rows of plain arches in the wall, usually, though not always, perforated, to give light to the roof of the aisle; (Abbaye aux Dames, and Church of St Nicholas, Caen;) and these, after the transition to the pointed or Gothic style, were frequently adopted in Gothic cathedrals. (Wells; Winchester.) The other kind of combination, however, is exceedingly common in German churches of this, and a much earlier period, and equally so in England and France. We mean the grand *semicircular* arch enclosing two lesser ones, supported by columns at the sides and in the middle. (Leominster Church, Herefordshire; Winchester, north transept; naves of Durham and Rochester.) This very usual arrangement of arches is also found at a later period in the choir

of Canterbury, where the upper arch is semicircular and the lower ones pointed; we again find it, more enriched, in the nave of Salisbury Cathedral, and the north transept of York, 1227; and in a still further state of advancement in the naves of Lincoln Cathedral and Westminster Abbey.

Milner (vol. II. c. 6, of his History of Winchester) traces with great accuracy the alterations which took place about this period, towards filling up the windows of churches with mullions and tracery.

' This disposition of two lights (under one common arch) occasioning a dead space between their heads, a trefoil or quatrefoil, one of the simplest and most ancient kind of ornaments, was introduced between them, as in the porch of Beaulieu re-factory; the ornamental work of De Lucy, in the ancient part of the Lady Chapel, Winton; and the west door of the present church of St Cross. The happy effect of this simple ornament caused the upper part of it to be afterwards introduced into the heads of the arches themselves.'

**III. Doors.**—In the doors, also, a trifling alteration took place about the same period. For, whereas only one had hitherto been customary, two doorways were now introduced in all the principal entrances. (Salisbury; Beverley Minster; Wells.) These were furthermore divested of that profusion of ornamental carving and bas-reliefs, which had before been lavished on them; although the west door of Litchfield Cathedral exhibits a beautiful, and not altogether a solitary, exception to this rule.

The pediments over the arches of the doors (Salisbury, west front; Darlington Church; Durham) may be found over each of the *Norman* doorways of the chapel of St Joseph at Glastonbury; by which instance, however much they may assimilate with the Gothic character, distinguished by its aspiring pyramidal form, they are proved to have been used anterior to the epoch of the pointed style. While, therefore, we cannot positively rank the pyramidal pediment among the causes which produced the corresponding style of architecture, we may at least rest assured that this characteristic in the architecture did not determine the form of the pediment, which had been previously invented and adopted. Indeed, the gables (for they are substantially nothing else) of the Norman architects were by no means, as some have thought, always flat and unaspiring; but, on the contrary, in many instances highly pyramidal. (South transepts of Winchester and Norwich; north transept and north porch of Durham.) Moller has gone so far as to maintain the prevalence of the horizontal line in the composition of the English and French

edifices even of the 13th and 14th centuries, and has specified particularly their low gables and flat towers. Had he possessed any other means of collecting the real facts, than that of engraved representations of particular edifices, we think he would have escaped this portentous error. As he builds his argument, however, in a great degree, upon that assumption, it is necessary to state explicitly, that no one who has ever walked under the roofs of Canterbury, Westminster, Amiens, or Chartres, can want sufficient matter to refute the Doctor in this ingenious, but mistaken, theory.

**IV. PLANS.**—The plans of the Norman edifices were equally spacious and perfect with those of the Gothic. (Winchester; Durham.) Yet they do not contain the smaller transept, as we find it at Salisbury, Wells, and Worcester. The cathedrals of Mentz and Worms on the Rhine, erected in the 10th and 11th centuries, have double transepts, but arranged on exactly the same plan as in the generality of our English cathedrals. The circular east end, borrowed originally from the Roman Basiliacs, went out of use before the completion of the Gothic; nor was it commonly replaced in this country, by those polygonal terminations which almost invariably occur, with so much beauty, in churches upon the Continent. We have the circular end in the cathedrals of Gloucester and Norwich; while that of Canterbury, and the abbeys of Westminster and Tewkesbury, present beautiful examples of the polygon.

**V. ORNAMENTS.**—Many of the ornaments which decorated the Norman edifices were continued long after the introduction of the pointed arch. The zig-zag was at first the most generally used; (Canterbury, Rochester, Salisbury, St Albans;) and many other varieties may be observed, but particularly what Carter has called the Saxon fourleaved ornament, which is found in the ancient Norman church of Steyning in Sussex, at Malmesbury, and on the font of Hexham in Northumberland. It constituted a very fashionable decoration in the mouldings of the 13th century, and was not entirely abolished for a considerable time afterwards. (Canterbury, Rochester, Salisbury, St Albans, Lincoln, York, &c.) The improvements in the capitals of the columns were equally gradual. The heavy square heads of the early Norman pillars were fashioned, in the course of the 12th century, into a distant and somewhat rude resemblance of the Corinthian; but in the beginning of the 13th, they burst forth into beautiful imitations of foliage, surmounting the Gothic cluster columns with the most luxuriant and graceful projec-

tions. (De Lucy's work, Winchester, Salisbury, Wells, Chapter-house of Oxford Cathedral.) The diapered ornament, which covers the walls at the east end of the interior of Westminster Abbey, may also be observed in the Norman part of Rochester and Canterbury cathedrals; also in the Abbaye aux Dames, Caen, and the nave of the cathedral of Bayeux.

Mr Thomas Warton has remarked, that the west fronts began to be adorned, in the manner of Salisbury Cathedral, soon after the year 1200. Thomas Warton was a most excellent and learned man; but the present topic was then in its childhood. A little more research would have convinced him that the west fronts, the gables, and the external walls, of Norman buildings, were very frequently covered with ornament, long before that period. (Lincoln; Norwich.) Subsequent additions have left to the exteriors of very few of our ancient churches their original forms and decorations,\* but if that of Rochester, erected not later than the reign of Henry I., is covered with intersecting arches, and other devices, it cannot seem a novel or a singular circumstance, that the west front of Salisbury, built more than a century later, should present a greater quantity, or a more judicious selection.

**VI. ARCHES.**—Lastly, we come to the greatest and most important change—the adoption of the pointed arch, at first only in the ornaments, then extending to the arcades, and at length employed in the vaultings also. We cannot flatter our readers with the belief that any possibility now remains of discovering the inventor of the pointed arch; nor will they consider it of much consequence to know. The extent of our present hope is, to ascertain what probable combination of circumstances induced every architect of the period, and by what progressive steps, to adopt a form, which they then little suspected would in after times give rise to so much variance of opinion.

The diligence of recent enquirers has discovered numerous examples of pointed arches introduced in ornaments, and, as it were, casually, long before the era when building in that style became general; so that, as instances of this were gradually multiplied, their general form and construction must have been perfectly familiar to the architects and masons of the time. For a long period, however, their use seems to have been confined to incidental ornament, and the slighter parts of the building. But at

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\* See ‘West Fronts of Fourteen English Cathedrals,’ published on a single sheet, by Mr Britton.

length we find them encroaching on its more essential and marking features—though still far from general. Nor is it likely that any one particular cause should have operated so strongly at once to produce so fundamental an alteration. Neither their beauty, nor their superior lightness of form, were likely to establish them as the characteristics of the national architecture, before their utility had tended to render their adoption systematic. Probably chance, or perhaps convenience or necessity, may have proved, next to the mere discovery of their form, the chief cause of their employment. Whittington has expressed this idea well, in his description of the abbey church of St German des Prez, erected by the Abbot Moraid, 990-1014.

'Here the columns support a series of round arches, except in the semicircular arcade at the eastern end of the church, where they are *pointed*, in consequence of the arrangement of the pillars, which being placed in the bow nearer each other than where the colonnade proceeds in a straight direction, the arches which rise from them, when brought to an equal height with those of a round shape, become necessarily pointed; and this is one among a number of instances where the *pointed arch was used from accident and necessity, before it became an object of taste.*'—(P. 110. ed. 1811.)

In a note to this passage, the writer cites other instances of the same peculiarity, and especially that of Canterbury Cathedral, when it was rebuilt by William of Sens, after the fire in 1172. But, in the triforium of the choir in that cathedral, there is what may be called a wanton mixture of the pointed and semicircular styles, where two pointed arches are placed under a semicircular one, without any apparent reason for the variation.

Thus necessity probably introduced the pointed arch in support of the nave. But another object of great consideration now began to recommend their further use; and this was their practical aid in the construction of groined vaultings. Saunders, in a most able essay on this subject, in the 17th volume of the *Archæologia*, has described the difficulties the early builders met with in turning the arches of their vaults. Finding that, when composed of rubble, and strengthened only with transverse fascias, they were too weak for any considerable breadth, they attempted to increase their strength by introducing the diagonal ribs, usually called cross-springers. But these increased still more the difficulty of execution. They then heightened their vaults, so as to give them the form of the horse-shoe arch; and afterwards made them *pointed*. In the Cathedral of Mentz, to avoid the elliptical arch, which they would otherwise have de-

scribed, the diagonal ribs are raised so much higher above the transverse ribs, as to give to each severity, or division of the vaulting, almost the form of a dome. The vault over the Abbey-gate of St Augustine, at Bristol, built by Robert Fitzharding soon after the year 1160, assumes a slightly pointed form, although all the other arches are semicircular.

But our architects soon discovered another great practical advantage in the pointed form for their vaults. As the nature of the pointed arch required much less strength of abutment than the semicircular arch, they were now enabled to throw their vaults over spaces of greater breadth, with safety. Whilst they had been before only able to vault the aisles, they could now bestow a stone ceiling upon the nave and transepts. We state this circumstance principally with reference to English architects; for there are specimens of semicircular vaulting over the naves, in the Abbaye aux Hommes, and Abbaye aux Dames, at Caen, erected by William the Conqueror, and his Queen Matilda, shortly after the Conquest; and others at Mentz, which we have before referred to. That any contrivance, however, by which they could lessen the necessity of strength and weight in the abutments, was a most desirable object, is self-evident; and we accordingly find, that, for the shells of their vaults, the lightest materials, as chalk or toph-stone, were always selected, the thickness of which was generally limited to about nine inches, and very seldom exceeded one foot. (Canterbury, south transept; St Cross, Hants, &c.)

Utility being thus added to its other recommendations, the pointed arch, before the end of the twelfth century, had been frequently and systematically employed in England. The beauty and lightness of the form completed its victory, and it was not long in becoming fashionable and universal. By so simple a process was brought about a change, which some would tell us was the result of the most scientific, and others of the most romantic, conceptions; one party discovering its origin in the horizontal section of Noah's Ark; another solving the difficulty by a mathematical problem, worthy an Archimedes or a Newton.

And now, before we proceed any farther, let us briefly recapitulate what has been advanced in the preceding pages. We have exhibited, under the several heads of columns, windows, doors, plans, ornaments, and arches, the points of similarity between the Norman and Gothic styles; we have noted in what principally consists the difference betwixt the two, and whence that difference arose. And this method we have selected chiefly with the view to show, that the alterations were in no part violent, but gradual and almost imperceptible. Of one thing we

are entirely convinced,—that not one single fact which attended the transition from the one style to the other, is either unnatural or unintelligible. If, then, we can trace every step of advancement so clearly, and account for it so satisfactorily; and can, moreover, so completely establish every link in the chain of connexion, by actual instances and examples, we conceive that the object of our enquiry is fully attained, and that further explanation, so far as regards the *manner* of the transition, is unnecessary.

It only remains for us, therefore, to compare the respective *dates* of the first appearance of the pointed arch, in a regular form, in those countries to which our remarks have principally extended. Milner has attributed the earliest use of it in England to about the year 1132; and we know of no one, hitherto, who has contradicted him on that head. He has also asserted, but with too little circumspection, that this was the first example of its use in any country; he has, in consequence, been assailed by numerous writers, and especially by the French, who claim precedence for themselves. Whittington, of whom we shall say more hereafter, is one of the most powerful advocates for the priority of the French architects; and in the Memoirs of the Society of Antiquaries of Normandy, an essay has lately appeared on the Church of Mortain, and the Cathedral of Coutances, by M. de Gerville, which leads to the same conclusion. The facts there stated certainly strike us as very remarkable; namely, that the Church of Mortain is of what they denominate the architecture of the transition or mixed style; whilst the Cathedral of Coutances, though of a much earlier date, is built with the *ogive sans mélange*, or pure pointed arch. This circumstance, which M. de Gerville dwells on, as giving force to his argument in favour of the French, is rather calculated, we think, to raise suspicion, than to strengthen belief. We have, therefore, examined his memoir with considerable attention.

He fixes the erection of the Church of Mortain, in the department of La Manche, at 1082-1093, on the authority of certain records published in the 11th volume of *Gallia Christiana*. In his description of this building, he remarks: ‘La lutte entre l’architecture Romane et l’ogive y est évidente.’—p. 156. And afterwards: ‘A l’extérieur le mélange des deux architectures est frappant: la porte au bas de la nef, vers le midi, est un morceau curieux d’architecture *Romane*, avec des ornements analogues, en zigzags, losanges, dents de scie, etc. Le clocher offre des lancettes très-longues et parfaitement caractérisées.’

The door, which he here mentions, is, no doubt, completely Norman, without a single feature of the transition; and the lan-

cets in the tower are as decidedly Gothic. The natural explanation would seem to be, that they were built at different periods—and we ~~were~~ ~~vehemently~~ suspect that it was so. We will not, however, now give farther expression to our suspicions; but hasten to his notice of the Cathedral of Coutances, an account of which he extracts from the history of its erection, written by an eye-witness, and inserted in a chartulary, entitled, ‘*Livre noir de l'évêché*,’ compiled shortly after 1260. The Cathedral was founded in 1030; but little was done towards it, till Geoffrey de Montbray succeeded to the bishoprick in 1048, by whose exertions it was so far advanced as to be consecrated in 1056, and completed soon after.

Of the historian, on whose authority these details rest, we are content to take the character given by M. de Gerville himself, p. 151: ‘*L'auteur ne semble pas s'être attaché à l'ordre des dates!* il mele souvent le travail fait après la conquête avec celui qui la précédé.’ Now, as attention to dates is all in all, in a question of this description, we feel great reluctance in admitting, in a matter of such nicety, the evidence of a chronicler so inaccurate. But even should we admit his title to belief on other points, it is surely a circumstance not lightly to be passed over, that this cathedral, built more than thirty years previous to Mortain, should be in the style of a later period, although the distance between the two is not a hundred miles. Again, William the Conqueror founded an abbey at Caen in 1064, and his Queen Matilda another in 1066; in *both* of which, as no expense was spared, so every improvement would probably be adopted to render the edifices worthy of their illustrious founders, and of the event they were designed to commemorate. But that *these* should, notwithstanding, be of a style more backward and antiquated than a cathedral built nearly twenty years before either of them, is an anomaly, which, we honestly confess, we cannot reconcile by any measure of probability. And, when we further consider, that from the date of this history no other notices of the work exist, till the time of Silvestre de la Cervelle, Bishop of Coutances, who, in the year 1371 repaired the church, which had been damaged in the wars with England, we think ourselves justified in pronouncing the whole story most inconclusive, until some much clearer proof be adduced of a fact, on which the argument seems in a great measure to turn.

Amongst other opponents of Dr Milner, the Rev. J. Haggitt, in accordance with Whittington’s opinion, maintains, in one part of his book, that the French had attained a high degree of perfection in pointed architecture as a style, *half a century before* the construction of any such English work of comparative excellence. In another passage he affirms, in support of the same

theory, ‘that Europe owed its introduction to the crusades,’ and that its appearance in every part of the globe was *nearly contemporaneous*; a striking, but not solitary, example of the contradictions resulting from the blindness of partial and biased opinions.

We by no means pretend to go entirely with Dr Milner, in claiming the prior invention of the Gothic arch in favour of England; but we entertain a strong opinion, that, if we are really indebted to our neighbours for the acquisition, we were at least not far behind them in the use of it; and that, in the end, we far outstripped them in bringing it to perfection.

Besides the local probabilities of the case, two strong reasons may be adduced in support of this opinion, from facts which the histories of the time supply. The bodies of masons, or cementarii, were, as every one knows, not confined to any particular district, but travelled wherever they could find employment, and were in the continual habit, at an early period, of crossing over to England: and hence the varieties and mixture of forms, which emanated from the progressive transition of the style, suggest, that either the progress of improvement was in both countries pretty nearly parallel; or, what every one has been eager to deny, that English Gothic architecture was positively first planted and grown on English soil.

Concerning Mr Whittington, we have thought it due to the veneration we entertain for English architecture, to examine carefully his parallel between Amiens and Salisbury; and that the more particularly, as many people seem at present to put great faith in his revelations—and no one has yet undertaken publicly to contradict or examine them. Were immensity of proportions allowed of itself to constitute excellence, the architecture of the French might claim the superiority over that of England. But where shall we find, in the very last and greatest of their sacred edifices, the rich solemnity, the splendid intricacy, the enchanting variety, the picturesque arrangements of gorgeous monuments and sculptured chantries, which discover themselves at every step, in Winchester, Westminster, or York?

Our limits forbid us to enter so fully as we could desire into all the circumstances which Mr Whittington, in his parallel, has pressed on our consideration. We must content ourselves for the present, with remarking generally, that many and most considerable decorations and improvements were added, long after the sixty-eight years which he allows for the building of Amiens, of which important fact a very slight inspection might have convinced a more candid enquirer. We take upon ourselves to assert, that the greater part of the ornaments on the exterior, the three rose windows, with many others in the cathedral it-

self, and the chapels attached to the north and south aisles of the nave, are all of a later date; and could not, therefore, have been comprehended in the original design: And from these premises, which we are perfectly ready to verify and confirm, we draw this unavoidable conclusion, that the parallel, resting, as it does, on the hypothesis of the two cathedrals being contemporary, cannot be any longer allowed to hold good.

But with regard to those parts in the two edifices which we admit to be contemporary, we deny that magnitude in any way implies perfection of beauty, or advancement in art; holding, with Burke, that ‘designs, which are vast only by their dimensions, are always the sign of a common and low imagination.’ And lastly, setting aside the point of magnitude, in which Amiens so greatly exceeds, not only Salisbury, but almost all the other cathedrals, in either kingdom, we shall find that the proportions of the former are not more nicely calculated, and that the ornaments are neither so ingeniously designed, nor so skilfully executed.

In page 422 we remarked incidentally the havoc made by Wyatt in three of the most interesting of our cathedrals. This violation did not long escape the observation of those vigilant and zealous guardians of our antiquities, Messrs Milner and Carter. The former, in 1798, published his ‘Dissertation on the Modern Style of Altering Ancient Cathedrals;’ and the latter, in his ‘Ancient Architecture of England,’ thus deprecated the repairs then in hand at Durham: ‘It is a mortifying task to inform the reader, that the whole of the west and south fronts, except the great centre tower, of this august fabric, have within these ten or fifteen years, been new-faced; the usual consequence of which business is, the doing away all the small parts, and substituting a variety of barbarous ideas for the dressings in their stead. But why repine at this blow, trifling in comparison of the general havoc now going on in every part of the building? The east front, the Galilee, the Chapter-house, Bishop’s throne, altar screen, St Cuthbert’s feretory, the nine altars (all works venerated by the admirers of ancient art) are now either receiving a newfangled dress, or falling beneath the workmen’s hands into undistinguished dust! ’

Fortunately, the general expression of feeling excited at these proceedings put a stop to the work of destruction, which had so actively begun: But nothing was yet done to repair the injury. The admirers of antiquity were left to solace themselves as they best could for the loss of the Chapter-house at Durham; while at Litchfield, the choir was protruded into the Lady-Chapel, with the same outrageous contempt of the rules and

genius of Gothic architecture as had been before exhibited at Salisbury.

In what has been done since that period in other cathedrals and churches, we observe with sorrow that ignorance, or worse motives, have operated in too many cases upon those to whom their charge was intrusted. In the year 1797, the monies remaining over and above the purposes for which a certain fund had been collected, were employed in *whitewashing one half* of the tower of the Abbey Church of St Alban's,—the sum not being sufficient to complete the obliteration of the picturesque and varied tints which the seasons of ages had produced. This is only one out of a thousand instances, where whitewash has been used to deface the colouring, and clog the ornaments of our ancient buildings. We have frequently witnessed additional coats laid on, when those already there should rather have been carefully washed and scraped off: but we could hardly believe the fact had it not come under our own observation, that offers to clean the walls of this pollution have actually been rejected, although some were gratuitously tendered, and others at an expense but little more than the cost of another coat of this offensive composition. We have also noticed, with *dismay*, the nankeen dye which has been lately inflicted on the venerable cathedrals at Wells and Chichester. But this is not all. Sayers, in his History of Bristol, records from his own knowledge, and it is still in the recollection of many, that the antique brass eagle which supported the reading desk in Bristol cathedral, was actually advertised, *and sold by the pound*, as old metal! It was fortunately rescued from the furnace by the liberality of an individual, who presented it to one of the churches in that city, on the condition that it should never be removed; and there it accordingly remains to this day. In a chapel, north of the choir of the same cathedral, are the remains of a rich Gothic altar, which was almost destroyed during the revolution, though enough was still left to furnish ample data for its complete restoration. Notwithstanding the moderate offers of a mason, whose Gothic works at Bristol had met with most deserved admiration, a lower estimate was accepted from a person, who proposed to restore it *in composition*. The job was instantly commenced; but the work was so abominably executed, that it was actually taken down again, and the altar still remains in its original state of dilapidation. Others, within a very few years past, glory in having restored, with consummate meanness, or deplorable ignorance, the west front of Litchfield Cathedral with a like cheap and perishable material; and, although it is impossible to withhold the tribute of admiration for the liberality and skill

which have been displayed in the restoration of Winchester Cathedral, yet the motives must be condemned, whatever they may be, which urged the directors of that work to sacrifice a portion of the smaller rows of pinnacles in different parts of the high altar; whereby the richness which pervaded the whole is considerably diminished, and what was before only defaced, is now entirely demolished.

A fate similar to that of Litchfield Cathedral would most assuredly have befallen Henry the Seventh's Chapel, but for the spirited remonstrance of an unconcerned individual with one of the members of the committee, on the use of a material so mean in its appearance, and so rapid and unseemly in its decay. The consequence has been, that the restorations there effected have taught us that the nineteenth century can at least supply *Gothic masons* equal to those of the sixteenth; and the works so admirably completed at the east end, are progressively advancing over the whole of this venerable edifice. We earnestly wish we could look forward with any reasonable expectation to the removal of a vast collection of incongruous matter to some more appropriate receptacle; which might render the abbey again an object of pride and veneration—not as an exhibition-room of statuary and wax-work, but as a Temple of the living God.

From these painful recollections, we turn with pleasure to the grateful task of recording instances, where skill and taste have been furthered in their undertakings by enthusiasm and liberality. We have before noticed the repairs and renovations at Winchester and Canterbury.\* The buildings begun, and still in progress, at Magdalen College, Oxford, and still more those at King's and other Colleges in Cambridge, do honour as well to their respective societies, as to the architects they have employed. Whilst, however, Winchester College is gradually redeeming its ancient splendour by the repairs of the hall, by the restitution of its mutilated east window, of gorgeous and elaborate design, and by other improvements in the chapel, we lament that every part of Eton College should still be suffered to remain in a very inferior condition.

The experience of late years, and the proficiency we have already attained, have led us to anticipate the most gratifying results from the present support and patronage shown towards this ancient and splendid act. A school has been commenced, and is gradually and insensibly forming, of Gothic architects, draughts-

\* Those at Peterborough, we hear, are proceeding with liberality and judgment; and an ample field has been opened for faithful restoration by the late catastrophe at York.

men, engravers, and masons. To embody and to organize it, is now all that is required to complete the whole, and to ensure its stability. In the important and extensive repairs of Windsor, the countenance of our gracious Sovereign has been lent to sanction the growing partiality for this style; and we may reasonably look forward to the day when we shall be able, not only to preserve faithfully what our forefathers have so wondrously erected, but even to vie with them in the gorgeous and sublime edifices which we shall ourselves transmit to posterity.

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ART. VII.—1. *Anticipation ; or, an Hundred Years Hence.* 8vo.  
London, 1829.

2. *The Rise, Progress, and Present State of Public Opinion in Great Britain.* 8vo. London, 1829.
3. *The Last Days ; or, Discourses on These Our Times, &c. &c.*  
By the Rev. EDWARD IRVING. 8vo. London, 1829.

IT is no very good symptom either of nations or individuals, that they deal much in vaticination. Happy men are full of the present, for its bounty suffices them; and wise men also, for its duties engage them. Our grand business undoubtedly is, not to *see* what lies dimly at a distance, but to *do* what lies clearly at hand.

Know'st thou *Yesterday*, its aim and reason ?  
Work'st thou well *To-day*, for worthy things ?  
Then calmly wait the *Morrow's* hidden season,  
And fear not thou, what hap soe'er it brings !

But man's ‘large discourse of reason’ will look ‘before and ‘after;’ and, impatient of ‘the ignorant present time,’ will indulge in anticipation far more than profits him. Seldom can the unhappy be persuaded that the evil of the day is sufficient for it; and the ambitious will not be content with present splendour—but paints yet more glorious triumphs, on the cloud-curtain of the future.

The case, however, is still worse with nations. For here the prophets are not one, but many; and each incites and confirms the other—so that the fatidical fury spreads wider and wider, till at last even a Saul must join in it. For there is still a real magic in the action and reaction of minds on one another. The casual delirium of a few becomes, by this mysterious reverberation, the frenzy of many; men lose the use, not only of their understandings, but of their bodily senses; while the

most obdurate, unbelieving hearts melt, like the rest, in the furnace where all are cast, as victims and as fuel. It is grievous to think, that this noble omnipotence of Sympathy has been so rarely the Aaron's-rod of Truth and Virtue, and so often the Enchanter's-rod of Wickedness and Folly! No solitary miscreant, scarcely any solitary maniac, would venture on such actions and imaginations, as large communities of sane men have, in such circumstances, entertained as sound wisdom. Witness long scenes of the French Revolution! a whole people drunk with blood and arrogance—and then with terror and cruelty—and with desperation, and blood again! Levity is no protection against such visitations, nor the utmost earnestness of character. The New England Puritan burns witches, wrestles for months with the horrors of Satan's invisible world, and all ghastly phantasms, the daily and hourly precursors of the Last Day; then suddenly bethinks him that he is frantic, weeps bitterly, prays contritely—and the history of that gloomy season lies behind him like a frightful dream.

And Old England has had her share of such frenzies and panics; though happily, like other old maladies, they have grown milder of late: and since the days of Titus Oates, have mostly passed without loss of men's lives, or indeed without much other loss than that of reason, for the time, in the sufferers. In this mitigated form, however, the distemper is of pretty regular recurrence—and may be reckoned on at intervals, like other natural visitations; so that reasonable men deal with it, as the Londoners do with their fogs—go cautiously out into the groping crowd, and patiently carry lanterns at noon; knowing, by a well-grounded faith, that the sun is still in existence, and will one day reappear. How often have we heard, for the last fifty years, that the country was wrecked, and fast sinking; whereas, up to this date, the country is entire and afloat! The 'State in Danger' is a condition of things, which we have witnessed a hundred times; and as for the church, it has seldom been out of 'danger' since we can remember it.

All men are aware, that the present is a crisis of this sort; and why it has become so. The repeal of the Test Acts, and then of the Catholic disabilities, has struck many of their admirers with an indescribable astonishment. Those things seemed fixed and immovable—deep as the foundations of the world; and, lo! in a moment they have vanished, and their place knows them no more! Our worthy friends mistook the slumbering Leviathan for an island—often as they had been assured, that Intolerance was, and could be, nothing but a Monster; and so, mooring under the lee, they had anchored comfortably in his

scaly rind, thinking to take good cheer—as for some space they did. But now their Leviathan has suddenly dived under; and they can no longer be fastened in the stream of time; but must drift forward on it, even like the rest of the world—no very appalling fate, we think, could they but understand it; which, however, they will not yet, for a season. Their little island is gone, and sunk deep amid confused eddies; and what is left worth caring for in the universe? What is it to them, that the great continents of the earth are still standing; and the polestar and all our loadstars, in the heavens, still shining and eternal? Their cherished little haven is gone, and they will not be comforted! And therefore, day after day, in all manner of periodical or perennial publications, the most lugubrious predictions are sent forth. The king has virtually abdicated; the church is a widow, without jointure; public principle is gone; private honesty is going; society, in short, is fast falling in pieces; and a time of unmixed evil is come on us. At such a period, it was to be expected that the rage of prophecy should be more than usually excited. Accordingly, the Millenarians have come forth on the right hand, and the Millites on the left. The Fifth-monarchy men prophesy from the Bible, and the Utilitarians from Bentham. The one announce that the last of the seals is to be opened, positively, in the year 1860; and the other assure us, that ‘the greatest happiness principle’ is to make a heaven of earth, in a still shorter time. We know these symptoms too well, to think it necessary or safe to interfere with them. Time and the hours will bring relief to all parties. The grand encourager of Delphic or other noises is—the Echo. Left to themselves, they will soon dissipate, and die away in space.

Meanwhile, we too admit that the present is an important time—as all present time necessarily is. The poorest day that passes over us is the conflux of two Eternities! and is made up of currents that issue from the remotest Past, and flow onwards into the remotest Future. We were wise indeed, could we discern truly the signs of our own time; and, by knowledge of its wants and advantages, wisely adjust our own position in it. Let us then, instead of gazing idly into the obscure distance, look calmly around us, for a little, on the perplexed scene where we stand. Perhaps, on a more serious inspection, something of its perplexity will disappear, some of its distinctive characters, and deeper tendencies, more clearly reveal themselves; whereby our own relations to it, our own true aims and endeavours in it, may also become clearer.

Were we required to characterise this age of ours by any

single epithet, we should be tempted to call it, not an Heroical, Devotional, Philosophical, or Moral Age, but, above all others, the Mechanical Age. It is the Age of Machinery, in every outward and inward sense of that word ; the age which, with its whole undivided might, forwards, teaches, and practises the great art of adapting means to ends. Nothing is now done directly, or by hand ; all is by rule and calculated contrivance. For the simplest operation, some helps and accompaniments, some cunning, abbreviating process is in readiness. Our old modes of exertion are all discredited, and thrown aside. On every hand, the living artisan is driven from his workshop, to make room for a speedier, inanimate one. The shuttle drops from the fingers of the weaver, and falls into iron fingers that ply it faster. The sailor furls his sail, and lays down his oar, and bids a strong, unwearyed servant, on vaporous wings, bear him through the waters. Men have crossed oceans by steam ; the Birmingham Fire-king has visited the fabulous East ; and the genius of the Cape, were there any Camoens now to sing it, has again been alarmed, and with far stranger thunders than Gama's. There is no end to machinery. Even the horse is stripped of his harness, and finds a fleet fire-horse yoked in his stead. Nay, we have an artist that hatches chickens by steam—the very brood-hen is to be superseded ! For all earthly, and for some unearthly purposes, we have machines and mechanic furtherances ; for mincing our cabbages ; for casting us into magnetic sleep. We remove mountains, and make seas our smooth highway ; nothing can resist us. We war with rude nature ; and, by our resistless engines, come off always victorious, and loaded with spoils.

What wonderful accessions have thus been made, and are still making, to the physical power of mankind ; how much better fed, clothed, lodged, and, in all outward respects, accommodated, men now are, or might be, by a given quantity of labour, is a grateful reflection which forces itself on every one. What changes, too, this addition of power is introducing into the social system ; how wealth has more and more increased, and at the same time gathered itself more and more into masses, strangely altering the old relations, and increasing the distance between the rich and the poor, will be a question for Political Economists—and a much more complex and important one than any they have yet engaged with. But leaving these matters for the present, let us observe how the mechanical genius of our time has diffused itself into quite other provinces. Not the external and physical alone is now managed by machinery, but the internal and spiritual also. Here, too, nothing follows its spontaneous course, nothing is left to be accomplished by old, natural methods. Every thing

has its cunningly devised implements, its pre-established apparatus; it is not done by hand, but by machinery. Thus we have machines for Education: Lancastrian machines; Hamiltonian machines—Monitors, maps, and emblems. Instruction, that mysterious communing of Wisdom with Ignorance, is no longer an indefinable tentative process, requiring a study of individual aptitudes, and a perpetual variation of means and methods, to attain the same end; but a secure, universal, straightforward business, to be conducted in the gross, by proper mechanism, with such intellect as comes to hand. Then, we have Religious machines, of all imaginable varieties—the Bible Society, professing a far higher and heavenly structure, is found, on enquiry, to be altogether an earthly contrivance, supported by collection of monies, by fomenting of vanities, by puffing, intrigue, and chicane—and yet, in effect, a very excellent machine for converting the heathen. It is the same in all other departments. Has any man, or any society of men, a truth to speak, a piece of spiritual work to do, they can no-wise proceed at once, and with the mere natural organs, but must first call a public meeting, appoint committees, issue prospectuses, eat a public dinner; in a word, construct or borrow machinery, wherewith to speak it and do it. Without machinery they were hopeless, helpless—a colony of Ilindoo weavers squatting in the heart of Lancashire. Then every machine must have its moving power, in some of the great currents of society: Every little sect among us, Unitarians, Utilitarians, Anabaptists, Phrenologists, must each have its periodical, its monthly or quarterly magazine—hanging out, like its windmill, into the *popularis aura*, to grind meal for the society.

With individuals, in like manner, natural strength avails little. No individual now hopes to accomplish the poorest enterprise single-handed, and without mechanical aids; he must make interest with some existing corporation, and till his field with their oxen. In these days, more emphatically than ever, ‘to live, signifies to unite with a party, or to make one.’ Philosophy, Science, Art, Literature, all depend on machinery. No Newton, by silent meditation, now discovers the system of the world from the falling of an apple; but some quite other than Newton stands in his Museum, his Scientific Institution, and behind whole batteries of retorts, digesters, and galvanic piles, imperatively ‘interrogates Nature,’—who, however, shows no haste to answer. In defect of Raphaels, and Angelos, and Mozarts, we have Royal Academies of Painting, Sculpture, Music; whereby the languishing spirit of Art may be strengthened by the more generous diet of a Public Kitchen. Literature, too, has its Paternoster-row

mechanism, its Trade dinners, its Editorial conclaves, and huge subterranean, puffing bellows; so that books are not only printed, but, in a great measure, written and sold, by machinery. National culture, spiritual benefit of all sorts, is under the same management. No Queen Christina, in these times, needs to send for her Descartes: no King Frederick for his Voltaire, and painfully nourish him with pensions and flattery: But any sovereign of taste, who wishes to enlighten his people, has only to impose a new tax, and with the proceeds establish Philosophic Institutes. Hence the Royal and Imperial Societies, the Bibliothèques, Glyptothèques, Sechnothèques, which front us in all capital cities, like so many well-finished hives, to which it is expected the stray agencies of Wisdom will swarm of their own accord, and hive and make honey. In like manner, among ourselves, when it is thought that religion is declining, we have only to vote half a million's worth of bricks and mortar, and build new churches. In Ireland, it seems they have gone still farther—having actually established a ‘Penny-a-week Purgatory Society!’ Thus does the Genius of Mechanism stand by to help us in all difficulties and emergencies; and, with his iron back, bears all our burdens.

These things, which we state lightly enough here, are yet of deep import, and indicate a mighty change in our whole manner of existence. For the same habit regulates, not our modes of action alone, but our modes of thought and feeling. Men are grown mechanical in head and in heart, as well as in hand. They have lost faith in individual endeavour, and in natural force, of any kind. Not for internal perfection, but for external combinations and arrangements, for institutions, constitutions—for Mechanism of one sort or other, do they hope and struggle. Their whole efforts, attachments, opinions, turn on mechanism, and are of a mechanical character.

We may trace this tendency, we think, very distinctly, in all the great manifestations of our time; in its intellectual aspect, the studies it most favours, and its manner of conducting them; in its practical aspects, its politics, arts, religion, morals; in the whole sources, and throughout the whole currents, of its spiritual, no less than its material activity.

Consider, for example, the state of Science generally, in Europe, at this period. It is admitted, on all sides, that the Metaphysical and Moral Sciences are falling into decay, while the Physical are engrossing, every day, more respect and attention. In most of the European nations, there is now no such thing as a Science of Mind; only more or less advancement in the general science, or the special sciences, of matter. The French were the first to desert

this school of Metaphysics; and though they have lately affected to revive it, it has yet no signs of vitality. The land of Malebranche, Pascal, Descartes, and Fenelon, has now only its Cousins and Villemains; while, in the department of Physics, it reckons far other names. Among ourselves, the Philosophy of Mind, after a rickety infancy, which never reached the vigour of manhood, fell suddenly into decay, languished, and finally died out, with its last amiable cultivator, Professor Stewart. In no nation but Germany has any decisive effort been made in psychological science; not to speak of any decisive result. The science of the age, in short, is physical, chemical, physiological, and, in all shapes, mechanical. Our favourite Mathematics, the highly prized exponent of all these other sciences, has also become more and more mechanical. Excellence, in what is called its higher departments, depends less on natural genius, than on acquired expertness in wielding its machinery. Without undervaluing the wonderful results which a Lagrange, or Laplace, educes by means of it, we may remark, that its calculus, differential and integral, is little else than a more cunningly-constructed arithmetical mill, where the factors being put in, are, as it were, ground into the true product, under cover, and without other effort on our part, than steady turning of the handle. We have more Mathematics certainly than ever; but less Mathesis. Archimedes and Plato could not have read the *Méchanique Céleste*; but neither would the whole French Institute see aught in that saying, ‘God geometrises!’ but a sentimental rodomontade.

From Locke’s time downwards, our whole Metaphysics have been physical; not a spiritual Philosophy, but a material one. The singular estimation in which his Essay was so long held as a scientific work, (for the character of the man entitled all he said to veneration,) will one day be thought a curious indication of the spirit of these times. His whole doctrine is mechanical, in its aim and origin, in its method and its results. It is a mere discussion concerning the origin of our consciousness, or ideas, or whatever else they are called; a genetic history of what we see in the mind. But the grand secrets of Necessity and Free-will, of the mind’s vital or non-vital dependence on matter, of our mysterious relations to Time and Space, to God, to the universe, are not, in the faintest degree, touched on in their enquiries; and seem not to have the smallest connexion with them.

The last class of our Scotch Metaphysicians had a dim notion that much of this was wrong; but they knew not how to right it. The school of Reid had also from the first taken a mechanical course, not seeing any other. The singular conclusions at which Hume, setting out from their admitted premises, was arri-

ving, brought this school into being ; they let loose Instinct, as an undiscriminating bandog, to guard them against these conclusions—they tugged lustily at the logical chain by which Hume was so coldly towing them and the world into bottomless abysses of Atheism and Fatalism. But the chain somehow snapped between them ; and the issue has been that nobody now cares about either—any more than about Hartley's, Darwin's, or Priestley's contemporaneous doings in England. Hartley's vibrations and vibratiuncles one would think were material and mechanical enough ; but our continental neighbours have gone still farther. One of their philosophers has lately discovered, that ‘as the liver secretes bile, so does the brain secrete thought,’ which astonishing discovery Dr Cahanis, more lately still, in his *Rapports du Physique et du Morale de l'Homme*, has pushed into its minutest developements. The metaphysical philosophy of this last enquirer is certainly no shadowy or unsubstantial one. He fairly lays open our moral structure with his dissecting-knives and real metal probes ; and exhibits it to the inspection of mankind, by Leuwenhoeck microscopes and inflation with the anatomical blowpipe. Thought, he is inclined to hold, is still secreted by the brain ; but then Poetry and Religion (and it is really worth knowing) are ‘a product of the smaller intestines !’ We have the greatest admiration for this learned doctor : with what scientific stoicism he walks through the land of wonders, unwondering—like a wise man through some huge, gaudy, imposing Vauxhall, whose fire-works, cascades, and symphonies, the vulgar may enjoy and believe in—but where he finds nothing real but the saltpetre, pasteboard, and catgut. His book may be regarded as the ultimatum of mechanical metaphysics in our time ; a remarkable realization of what in Martinus Scriblerus was still only an idea, that ‘as the jack had a meat-roasting quality, so had the body a thinking quality,—upon the strength of which the Nurembergers were to build a wood and leather man, ‘ who should reason as well as most country persons.’ Vaucasson did indeed make a wooden duck, that seemed to eat and digest ; but that bold scheme of the Nurembergers remained for a more modern virtuoso.

This condition of the two great departments of knowledge ; the outward, cultivated exclusively on mechanical principles—the inward finally abandoned, because, cultivated on such principles, it is found to yield no result—sufficiently indicates the intellectual bias of our time, its all-pervading disposition towards that line of enquiry. In fact, an inward persuasion has long been diffusing itself, and now and then even comes to utterance, that except the external, there are no true sciences ; that to the inward world (if there be any) our only conceivable road is

through the outward ; that, in short, what cannot be investigated and understood mechanically, cannot be investigated and understood at all. We advert the more particularly to these intellectual propensities, as to prominent symptoms of our age ; because Opinion is at all times doubly related to Action, first as cause, then as effect ; and the speculative tendency of any age, will therefore give us, on the whole, the best indications of its practical tendency.

Nowhere, for example, is the deep, almost exclusive faith, we have in Mechanism, more visible than in the Politics of this time. Civil government does, by its nature, include much that is mechanical, and must be treated accordingly. We term it, indeed, in ordinary language, the Machine of Society, and talk of it as the grand working wheel from which all private machines must derive, or to which they must adapt, their movements. Considered merely as a metaphor, all this is well enough ; but here, as in so many other cases, the ‘foam hardens itself into a shell,’ and the shadow we have wantonly evoked stands terrible before us, and will not depart at our bidding. Government includes much also that is not mechanical, and cannot be treated mechanically ; of which latter truth, as appears to us, the political speculations and exertions of our time are taking less and less cognisance.

Nay, in the very outset, we might note the mighty interest taken in *mere political arrangements*, as itself the sign of a mechanical age. The whole discontent of Europe takes this direction. The deep, strong cry of all civilized nations—a cry which, every one now sees, must and will be answered, is, ‘Give us a reform of Government ! A good structure of legislation—a proper check upon the executive—a wise arrangement of the judiciary, is *all* that is wanting for human happiness. The Philosopher of this age is not a Socrates, a Plato, a Hooker, or Taylor, who inculcates on men the necessity and infinite worth of moral goodness, the great truth that our happiness depends on the mind which is within us, and not on the circumstances which are without us ; but a Smith, a De Lolme, a Bentham, who chiefly inculcates the reverse of this—that our happiness depends entirely on external circumstances; nay that the strength and dignity of the mind within us is itself the creature and consequence of these. Were the laws, the government, in good order, all were well with us ; the rest would care for itself ! Dissentients from this opinion, expressed or implied, are now rarely to be met with ; widely and angrily as men differ in its application, the principle is admitted by all.

Equally mechanical, and of equal simplicity, are the methods

proposed by both parties for completing or securing this all-sufficient perfection of arrangement. It is no longer the moral, religious, spiritual condition of the people that is our concern, but their physical, practical, economical condition, as regulated by public laws. Thus is the Body-politic more than ever worshipped and tended: But the Soul-politic less than ever. Love of country, in any high or generous sense, in any other than an almost animal sense, or mere habit, has little importance attached to it in such reforms, or in the opposition shown them. Men are to be guided only by their self-interests. Good government is a good balancing of these; and, except a keen eye and appetite for self-interest, requires no virtue in any quarter. To both parties it is emphatically a machine: to the discontented, a 'taxing-machine,' to the contented, a 'machine for securing property.' Its duties and its faults are not those of a father, but of an active parish constable.

Thus it is by the mere condition of the machine; by preserving it untouched, or else by re-constructing it, and oiling it anew, that man's salvation as a social being is to be insured and indefinitely promoted. Contrive the fabric of law aright, and without farther effort on your part, that divine spirit of freedom which all hearts venerate and long for, will of herself come to inhabit it; and under her healing wings every noxious influence will wither, every good and salutary one more and more expand. Nay, so devoted are we to this principle, and at the same time so curiously mechanical, that a new trade, specially grounded on it, has arisen among us, under the name of 'Codification,' or code-making in the abstract; whereby any people, for a reasonable consideration, may be accommodated with a patent code—more easily than curious individuals with patent breeches, for the people does *not* need to be measured first.

To us who live in the midst of all this, and see continually the faith, hope, and practice of every one founded on Mechanism of one kind or other, it is apt to seem quite natural, and as if it could never have been otherwise. Nevertheless, if we recollect or reflect a little, we shall find both that it has been, and might again be, otherwise. The domain of Mechanism,—meaning thereby political, ecclesiastical, or other outward establishments,—was once considered as embracing, and we are persuaded can at any time embrace, but a limited portion of man's interests, and by no means the highest portion.

To speak a little pedantically, there is a science of *Dynamics* in man's fortunes and nature, as well as of *Mechanics*. There is a science which treats of, and practically addresses, the primary, unmodified forces and energies of man, the mysterious springs

of Love, and Fear, and Wonder, of Enthusiasm, Poetry, Religion, all which have a truly vital and *infinite* character; as well as a science which practically addresses the finite, modified developements\* of these, when they take the shape of immediate 'motives,' as hope of reward, or as fear of punishment.

Now it is certain, that in former times the wise men, the enlightened lovers of their kind, who appeared generally as Moralists, Poets, or Priests, did, without neglecting the Mechanical province, deal chiefly with the Dynamical; applying themselves chiefly to regulate, increase, and purify the inward primary powers of man; and fancying that herein lay the main difficulty, and the best service they could undertake. But a wide difference is manifest in our age. For the wise men, who now appear as Political Philosophers, deal exclusively with the Mechanical province; and occupying themselves in counting up and estimating men's motives, strive by curious checking and balancing, and other adjustments of Profit and Loss, to guide them to their true advantage: while, unfortunately, those same 'motives' are so innumerable, and so variable in every individual, that no really useful conclusion can ever be drawn from their enumeration. But though Mechanism, wisely contrived, has done much for man, in a social and moral point of view, we cannot be persuaded that it has ever been the chief source of his worth or happiness. Consider the great elements of human enjoyment, the attainments and possessions that exalt man's life to its present height, and see what part of these he owes to institutions, to Mechanism of any kind; and what to the instinctive, unbounded force, which Nature herself lent him, and still continues to him. Shall we say, for example, that Science and Art are indebted principally to the founders of Schools and Universities? Did not Science originate rather, and gain advancement, in the obscure closets of the Roger Bacons, Keplers, Newtons; in the workshops of the Fausts and the Watts—wherever, and in what guise soever Nature, from the first times downwards, had sent a gifted spirit upon the earth? Again, were Homer and Shakspeare members of any beneficed guild, or made Poets by means of it? Was Painting and Sculpture created by forethought, brought into the world by institutions for that end? No; Science and Art have, from first to last, been the free gift of Nature; an unsolicited, unexpected gift—often even a fatal one. These things rose up, as it were, by spontaneous growth, in the free soil and sunshine of Nature. They were not planted or grafted, nor even greatly multiplied or improved by the culture or manuring of institutions. Generally speaking, they have derived only partial help from these; often enough have suffered

damage. They made constitutions for themselves. They originated in the Dynamical nature of man, not in his Mechanical nature.

Or, to take an infinitely higher instance, that of the Christian Religion, which, under every theory of it, in the believing or the unbelieving mind, must ever be regarded as the crowning glory, or rather the life and soul, of our whole modern culture : How did Christianity arise and spread abroad among men ? Was it by institutions and establishments, and well-arranged systems of mechanism ? Not so ; on the contrary, in all past and existing institutions for those ends, its divine spirit has invariably been found to languish and decay. It arose in the mystic deeps of man's soul ; and was spread abroad by the ‘preaching of the ‘word,’ by simple, altogether natural and individual efforts ; and flew, like hallowed fire, from heart to heart, till all were purified and illuminated by it ; and its heavenly light shone, as it still shines, and as sun or star will ever shine, through the whole dark destinies of man. Here again was no Mechanism ; man's highest attainment was accomplished, Dynamically, not Mechanically. Nay, we will venture to say that no high attainment, not even any far-extending movement among men, was ever accomplished otherwise. Strange as it may seem, if we read History with any degree of thoughtfulness, we shall find, that the checks and balances of Profit and Loss have never been the grand agents with men ; that they have never been roused into deep, thorough, all-pervading efforts by any computable prospect of Profit and Loss, for any visible, finite object ; but always for some invisible and infinite one. The Crusades took their rise in Religion ; their visible object was, commercially speaking, worth nothing. It was the boundless, Invisible world that was laid bare in the imaginations of those men ; and in its burning light, the visible shrunk as a scroll. Not mechanical, nor produced by mechanical means, was this vast movement. No dining at Freemasons' Tavern, with the other long train of modern machinery ; no cunning reconciliation of ‘vested interests,’ was required here : only the passionate voice of one man, the rapt soul looking through the eyes of one man ; and rugged, steel-clad Europe trembled beneath his words, and followed him whither he listed. In later ages, it was still the same. The Reformation had an invisible, mystic, and ideal aim : the result was indeed to be embodied in external things ; but its spirit, its worth, was internal, invisible, infinite. Our English Revolution, too, originated in Religion. Men did battle, even in those days, not for Purse sake, but for Conscience sake. Nay, in our own days, it is no way different. The French Revolution itself

had something higher in it than cheap bread and a Habeas-corpus act. Here, too, was an Idea; a Dynamic, not a Mechanic force. It was a struggle, though a blind and at last an insane one, for the infinite, divine nature of Right, of Freedom, of Country.

Thus does man, in every age, vindicate, consciously or unconsciously, his celestial birthright. Thus does nature hold on her wondrous, unquestionable course; and all our systems and theories are but so many froth-eddies or sand-banks, which from time to time she casts up and washes away. When we can drain the Ocean into our mill-ponds, and bottle up the Force of Gravity, to be sold by retail, in our gas-jars; then may we hope to comprehend the infinitudes of man's soul under formulas of Profit and Loss; and rule over this too, as over a patient engine, by checks, and valves, and balances.

Nay, even with regard to Government itself, can it be necessary to remind any one that Freedom, without which indeed all spiritual life is impossible, depends on infinitely more complex influences than either the extension or the curtailment of the 'democratic interest'? Who is there that 'taking the high 'priori road,' shall point out what these influences are; what deep, subtle, inextricably entangled influences they have been, and may be? For man is not the creature and product of Mechanism; but, in a far truer sense, its creator and producer: it is the noble people that makes the noble Government; rather than conversely. On the whole, Institutions are much; but they are not all. The freest and highest spirits of the world have often been found under strange outward circumstances: Saint Paul and his brother Apostles were politically slaves; Epictetus was personally one. Again, forget the influences of Chivalry and Religion, and ask,—what countries produced Columbus and Las Casas? Or, descending from virtue and heroism, to mere energy and spiritual talent: Cortes, Pizarro, Alba, Ximenes? The Spaniards of the sixteenth century were indisputably the noblest nation of Europe; yet they had the Inquisition, and Philip II. They have the same government at this day; and are the lowest nation. The Dutch, too, have retained their old constitution; but no Siege of Leyden, no William the Silent, not even an Egmont or De Witt, any longer appear among them. With ourselves, also, where much has changed, effect has nowise followed cause, as it should have done: two centuries ago, the Commons' Speaker addressed Queen Elizabeth on bended knees, happy that the virago's foot did not even smite him; yet the people were then governed, not by a Castlereagh, but by a Burghley; they had their Shakespeare and Philip Sidney, where we have our Sheridan Knowles and Beau Brummel.

These and the like facts are so familiar, the truths which they preach so obvious, and have in all past times been so universally believed and acted on, that we should almost feel ashamed for repeating them; were it not that, on every hand, the memory of them seems to have passed away, or at best died into a faint tradition, of no value as a practical principle. To judge by the loud clamour of our Constitution-builders, Statists, Economists, directors, creators, reformers of Public Societies; in a word, all manner of Mechanists, from the Cartwright up to the Code-maker; and by the nearly total silence of all Preachers and Teachers who should give a voice to Poetry, Religion, and Morality, we might fancy either that man's Dynamical nature was, to all spiritual intents, extinct—or else so perfected, that nothing more was to be made of it by the old means; and henceforth only in his Mechanical contrivances did any hope exist for him.

To define the limits of these two departments of man's activity, which work into one another, and by means of one another, so intricately and inseparably, were by its nature an impossible attempt. Their relative importance, even to the wisest mind, will vary in different times, according to the special wants and dispositions of these times. Meanwhile, it seems clear enough that only in the right co-ordination of the two, and the vigorous forwarding of *both*, does our true line of action lie. Undue cultivation of the inward or Dynamical province leads to idle, visionary, impracticable courses, and especially in rude eras, to Superstition and Fanaticism, with their long train of baleful and well-known evils. Undue cultivation of the outward, again, though less immediately prejudicial, and even for the time productive of many palpable benefits, must, in the long run, by destroying Moral Force, which is the parent of all other Force, prove not less certainly, and perhaps still more hopelessly, pernicious. This, we take it, is the grand characteristic of our age. By our skill in Mechanism, it has come to pass that, in the management of external things, we excel all other ages; while in whatever respects the pure moral nature, in true dignity of soul and character, we are perhaps inferior to most civilized ages.

In fact, if we look deeper, we shall find that this faith in Mechanism has now struck its roots deep into men's most intimate, primary sources of conviction; and is thence sending up, over his whole life and activity, innumerable stems—fruit-bearing and poison-bearing. The truth is, men have lost their belief in the Invisible, and believe, and hope, and work only in the Visible; or, to speak it in other words, This is not a Religious

age. Only the material, the immediately practical, not the divine and spiritual, is important to us. The infinite, absolute character of Virtue has passed into a finite, conditional one ; it is no longer a worship of the Beautiful and Good ; but a calculation of the Profitable. Worship, indeed, in any sense, is not recognised among us, or is mechanically explained into Fear of pain, or Hope of pleasure. Our true Deity is Mechanism. It has subdued external Nature for us, and, we think, it will do all other things. We are Giants in physical power : in a deeper than a metaphorical sense, we are Titans, that strive, by heaping mountain on mountain, to conquer Heaven also.

The strong mechanical character, so visible in the spiritual pursuits and methods of this age, may be traced much farther into the condition and prevailing disposition of our spiritual nature itself. Consider, for example, the general fashion of Intellect in this era. Intellect, the power man has of knowing and believing, is now nearly synonymous with Logic, or the mere power of arranging and communicating. Its implement is not Meditation, but Argument. ‘Cause and effect’ is almost the only category under which we look at, and work with, all Nature. Our first question with regard to any object is not, What is it ? but, How is it ? We are no longer instinctively driven to apprehend, and lay to heart, what is Good and Lovely, but rather to enquire, as onlookers, how it is produced, whence it comes, whither it goes ? Our favourite Philosophers have no love and no hatred ; they stand among us not to do, or to create any thing, but as a sort of Logic-mills to grind out the true causes and effects of all that is done and created. To the eye of a Smith, a Hume, or a Constant, all is well that works quietly. An Order of Ignatius Loyola, a Presbyterianism of John Knox, a Wickliffe, or a Henry the Eighth, are simply so many mechanical phenomena, caused or causing.

The *Euphuist* of our day differs much from his pleasant predecessors. An intellectual dapperling of these times boasts chiefly of his irresistible perspicacity, his ‘dwelling in the daylight ‘of truth,’ and so forth ; which, on examination, turns out to be a dwelling in the *rush-light* of ‘closet-logic,’ and a deep unconsciousness that there is any other light to dwell in ; or any other objects to survey with it. Wonder, indeed, is, on all hands, dying out : it is the sign of uncultivation to wonder. Speak to any small man of a high, majestic Reformation, of a high, majestic Luther to lead it, and forthwith he sets about ‘accounting’ for it ! how the ‘circumstances of the time’ called for such a character, and found him, we suppose, standing girt and road-ready, to do its errand ; how the ‘circumstances

'of the time' created, fashioned, floated him quietly along into the result; how, in short, this small man, had he been there, could have performed the like himself! For it is the 'force of 'circumstances' that does every thing; the force of one man can do nothing. Now all this is grounded on little more than a metaphor. We figure Society as a 'Machine,' and that mind is opposed to mind, as body is to body; whereby two, or at most ten, little minds must be stronger than one great mind. Notable absurdity! For the plain truth, very plain, we think, is, that minds are opposed to minds in quite a different way; and *one* man that has a higher Wisdom, a hitherto unknown spiritual Truth in him, is stronger, not than ten men that have it not, or than ten thousand, but than *all* men, that have it not; and stands among them with a quite ethereal, angelic power, as with a sword out of Heaven's own armoury, sky-tempered, which no buckler, and no tower of brass, will finally withstand.

But to us, in these times, such considerations rarely occur. We enjoy, we see nothing by direct vision; but only by reflexion, and in anatomical dismemberment. Like Sir Hudibras, for every Why we must have a Wherefore. We have our little *theory* on all human and divine things. Poetry, the workings of genius itself, which in all times, with one or another meaning, has been called Inspiration, and held to be mysterious and inscrutable, is no longer without its scientific exposition. The building of the lofty rhyme is like any other masonry or brick-laying: we have theories of its rise, height, decline, and fall—which latter, it would seem, is now near, among all people. Of our 'Theories of Taste,' as they are called, wherein the deep, infinite, unspeakable Love of Wisdom and Beauty, which dwells in all men, is 'explained,' made mechanically visible, from 'Association,' and the like, why should we say any thing? Hume has written us a 'Natural History of Religion,' in which one Natural History, all the rest are included. Strangely, too, does the general feeling coincide with Hume's in this wonderful problem; for whether his 'Natural History' be the right one or not, that Religion must have a Natural History, all of us, cleric and laic, seem to be agreed. He indeed regards it as a Disease, we again as Health; so far there is a difference; but in our first principle we are at one.

To what extent theological Unbelief, we mean intellectual dissent from the Church, in its view of Holy Writ, prevails at this day, would be a highly important, were it not, under any circumstances, an almost impossible enquiry. But the Unbelief, which is of a still more fundamental character, every man may see prevailing, with scarcely any but the faintest contradic-

tion, all around him; even in the Pulpit itself. Religion, in most countries, more or less in every country, is no longer what it was, and should be—a thousand-voiced psalm from the heart of Man to his invisible Father, the fountain of all Goodness, Beauty, Truth, and revealed in every revelation of these; but for the most part, a wise prudential feeling grounded on mere calculation; a matter, as all others now are, of Expediency and Utility; whereby some smaller quantum of earthly enjoyment may be exchanged for a far larger quantum of celestial enjoyment. Thus Religion, too, is Profit; a working for wages; not Reverence, but vulgar Hope or Fear. Many, we know, very many, we hope, are still religious in a far different sense; were it not so, our case were too desperate: But to witness that such is the temper of the times, we take any calm observant man, who agrees or disagrees in our feeling on the matter, and ask him whether our *view* of it is not in general well-founded.

Literature, too, if we consider it, gives similar testimony. At no former era has Literature, the printed communication of Thought, been of such importance as it is now. We often hear that the Church is in danger; and truly so it is—in a danger it seems not to know of: For, with its tithes in the most perfect safety, its functions are becoming more and more superseded. The true Church of England, at this moment, lies in the Editors of its Newspapers. These preach to the people daily, weekly; admonishing kings themselves; advising peace or war, with an authority which only the first Reformers, and a long-past class of Popes, were possessed of; inflicting moral censure; imparting moral encouragement, consolation, edification; in all ways, diligently ‘administering the Discipline of the Church.’ It may be said, too, that in private disposition, the new Preachers somewhat resemble the Mendicant Friars of old times: outwardly full of holy zeal; inwardly not without stratagem, and hunger for terrestrial things. But omitting this class, and the boundless host of watery personages who pipe, as they are able, on so many scraffle straws, let us look at the higher regions of Literature, where, if anywhere, the pure melodies of Poesy and Wisdom should be heard. Of natural talent there is no deficiency: one or two richly-endowed individuals even give us a superiority in this respect. But what is the song they sing? Is it a tone of the Memnon Statue, breathing music as the *light* first touches it? a ‘liquid wisdom,’ disclosing to our sense the deep, infinite harmonies of Nature and man’s soul? Alas, no! It is not a matin or vesper hymn to the Spirit of all Beauty, but a fierce clashing of cymbals, and shouting of multitudes, as children pass through the fire to Molech! Poetry itself has no

eye for the Invisible. Beauty is no longer the god it worships, but some brute image of Strength; which we may well call an idol, for true Strength is one and the same with Beauty, and its worship also is a hymn. The meek, silent Light can mould, create, and purify all nature; but the loud Whirlwind, the sign and product of Disunion, of Weakness, passes on, and is forgotten. How widely this veneration for the physically Strongest has spread itself through Literature, any one may judge, who reads either criticism or poem. We praise a work, not as 'true,' but as 'strong'; our highest praise is that it has 'affected' us, has 'terrified' us. All this, it has been well observed, is the 'maximum of the Barbarous,' the symptom, not of vigorous refinement, but of luxurious corruption. It speaks much, too, for men's indestructible love of truth, that nothing of this kind will abide with them; that even the talent of a Byron cannot permanently seduce us into idol-worship; but that he, too, with all his wild syren charming, already begins to be disregarded and forgotten.

Again, with respect to our Moral condition: here also, he who runs may read that the same physical, mechanical influences are everywhere busy. For the 'superior morality,' of which we hear so much, we, too, would desire to be thankful: at the same time, it were but blindness to deny that this 'superior morality' is properly rather an 'inferior criminality,' produced not by greater love of Virtue, but by greater perfection of Police; and of that far subtler and stronger Police, called Public Opinion. This last watches over us with its Argus eyes more keenly than ever; but the 'inward eye' seems heavy with sleep. Of any belief in invisible, divine things, we find as few traces in our Morality as elsewhere. It is by tangible, material considerations that we are guided, not by inward and spiritual. Self-denial, the parent of all virtue, in any true sense of that word, has perhaps seldom been rarer: so rare is it, that the most, even in their abstract speculations, regard its existence as a chimera. Virtue is Pleasure, is Profit; no celestial, but an earthly thing. Virtuous men, Philanthropists, Martyrs, are happy accidents; their 'taste' lies the right way! In all senses, we worship and follow after Power; which may be called a physical pursuit. No man now loves Truth, as Truth must be loved, with an infinite love; but only with a finite love, and as it were *par amours*. Nay, properly speaking, he does not *believe* and know it, but only '*thinks*' it, and that 'there is every probability!' He preaches it aloud, and rushes courageously forth with it—if there is a multitude huzzzaing at his back! yet ever keeps looking over his shoulder, and the in-

stant the huzzing languishes, he too stops short. In fact, what morality we have takes the shape of Ambition, of Honour; beyond money and money's worth, our only rational blessedness is Popularity. It were but a fool's trick to die for conscience. Only for 'character,' by duel, or, in case of extremity, by suicide, is the wise man bound to die. By arguing on the 'force of circumstances,' we have argued away all force from ourselves; and stand leashed together, uniform in dress and movement, like the rowers of some boundless galley. This and that may be right and true; *but we must not do it.* Wonderful 'Force of Public Opinion!' We must act and walk in all points as it prescribes; follow the traffic it bids us, realize the sum of money, the degree of 'influence' it expects of us, *or we shall be lightly esteemed;* certain mouthfuls of articulate wind will be blown at us, and this what mortal courage can front? Thus, while civil Liberty is more and more secured to us, our moral Liberty is all but lost. Practically considered, our creed is Fatalism; and, free in hand and foot, we are shackled in heart and soul, with far straiter than feudal chains. Truly may we say, with the Philosopher, 'the deep meaning of the Laws of Mechanism lies heavy on us;' and in the closet, in the market-place, in the temple, by the social hearth, encumbers the whole movements of our mind, and over our noblest faculties is spreading a nightmare sleep.

These dark features, we are aware, belong more or less to other ages, as well as to ours. This faith in Mechanism, in the all-importance of physical things, is in every age the common refuge of Weakness and blind Discontent; of all who believe, as many will ever do, that man's true good lies without him, not within. We are aware also, that, as applied to ourselves in all their aggravation, they form but half a picture; that in the whole picture there are bright lights as well as gloomy shadows. If we here dwell chiefly on the latter, let us not be blamed: it is in general more profitable to reckon up our defects than to boast of our attainments.

Neither, with all these evils more or less clearly before us, have we at any time despaired of the fortunes of society. Despair, or even despondency, in that respect, appears to us, in all cases, a groundless feeling. We have a faith in the imperishable dignity of man; in the high vocation to which, throughout this his earthly history, he has been appointed. However it may be with individual nations, whatever melancholic speculators may assert, it seems a well-ascertained fact that, in all times, reckoning even from those of the Heraclides and Pelasgi, the happiness

and greatness of mankind at large has been continually progressive. Doubtless this age also is advancing. Its very unrest, its ceaseless activity, its discontent, contains matter of promise. Knowledge, education, are opening the eyes of the humblest—are increasing the number of thinking minds without limit. This is as it should be; for, not in turning back, not in resting, but only in resolutely struggling forward, does our life consist. Nay, after all, our spiritual maladies are but of Opinion; we are but fettered by chains of our own forging, and which ourselves also can rend asunder. This deep, paralysed subjection to physical objects comes not from nature, but from our own unwise mode of viewing Nature. Neither can we understand that man wants, at this hour, any faculty of heart, soul, or body, that ever belonged to him. ‘He who has been born, has been a ‘First Man;’ has had lying before his young eyes, and as yet unhardened into scientific shapes, a world as plastic, infinite, divine, as lay before the eyes of Adam himself. If Mechanism, like some glass bell, encircles and imprisons us, if the soul looks forth on a fair heavenly country which it cannot reach, and pines, and in its scanty atmosphere is ready to perish—yet the bell is but of glass; ‘one bold stroke to break the bell in pieces, ‘and thou art delivered!’ Not the invisible world is wanting, for it dwells in man’s soul, and this last is still here. Are the solemn temples, in which the Divinity was once visibly revealed among us, crumbling away? We can repair them, we can rebuild them. The wisdom, the heroic worth of our forefathers, which we have lost, we can recover. That admiration of old nobleness, which now so often shows itself as a faint *dilettantism*, will one day become a generous emulation, and man may again be all that he has been, and more than he has been. Nor are these the mere daydreams of fancy—they are clear possibilities; nay, in this time they are even assuming the character of hopes. Indications we do see, in other countries and in our own, signs infinitely cheering to us, that Mechanism is not always to be our hard taskmaster, but one day to be our pliant, all-ministering servant; that a new and brighter spiritual era is slowly evolving itself for all men. But on these things our present course forbids us to enter.

Meanwhile that great outward changes are in progress can be doubtful to no one. The time is sick and out of joint. Many things have reached their height; and it is a wise adage that tells us, ‘the darkest hour is nearest the dawn.’ Whenever we can gather any indication of the public thought, whether from printed books, as in France or Germany, or from Carbonari rebellions and other political tumults, as in Spain, Portugal, Italy,

and Greece, the voice it utters is the same. The thinking minds of all nations call for change. There is a deep-lying struggle in the whole fabric of society; a boundless, grinding collision of the New with the Old. The French Revolution, as is now visible enough, was not the parent of this mighty movement, but its offspring. Those two hostile influences, which always exist in human things, and on the constant intercommunion of which depends their health and safety, had lain in separate masses accumulating through generations, and France was the scene of their fiercest explosion; but the final issue was not unfolded in that country; nay, it is not yet anywhere unfolded. Political freedom is hitherto the object of these efforts; but they will not and cannot stop there. It is towards a higher freedom than mere freedom from oppression by his fellow-mortal, that man dimly aims. Of this higher, heavenly freedom, which is ‘man’s ‘reasonable service,’ all his noble institutions, his faithful endeavours and loftiest attainments, are but the body, and more and more approximated emblem.

On the whole, as this wondrous planet, Earth, is journeying with its fellows through infinite space, so are the wondrous destinies embarked on it journeying through infinite time, under a higher guidance than ours. For the present, as our Astronomy informs us, its path lies towards *Hercules*, the constellation of *Physical Power*: But that is not our most pressing concern. Go where it will, the deep *HEAVEN* will be around it. Therein let us have hope and sure faith. To reform a world, to reform a nation, no wise man will undertake; and all but foolish men know that the only solid, though a far slower reformation, is what each begins and perfects on *himself*.

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ART. VIII.—*Lives of the most eminent British Painters, Sculptors, and Architects.* By ALLAN CUNNINGHAM. 3 vols. 8vo. London. 1829.

THOUGH the productions of the pencil do not form immediate objects of our peculiar jurisdiction, they are indirectly and unavoidably brought within the sphere of its judgments by means of the critical discussions to which they give rise. We cannot decide upon the principles by which the merits of a picture, or of a master, are tried, without the privilege of referring to our own perceptions of pictorial beauty. What is depicted on the canvass, is necessarily brought under our review by what is impressed on the page; and, when criticism is, on all sides, busy with the works of a living master, we are in some

measure called to examine them, that we may be able to determine as to the skill and fairness of the strictures we peruse. It will not, therefore, we hope, be thought that we have either unwittingly or improperly wandered from our legitimate province, in availing ourselves of the appearance of a publication on British Artists, to make a few remarks on the works of one of the class, everywhere talked of and criticized—the distinguished painter of *Belshazzar's Feast*.

The interest excited in the British public by this, and others of Mr Martin's works, is such, we believe, as never before was awakened by those of any other painter. It is true that, by a certain class of critics, he has been charged with many and considerable faults; but, though we should admit the justness of their censures, it must be evident that, for the production of an admiration so enthusiastic in the greater number, including many equally competent to judge aright, he must be allowed the possession of excellences of a very high, if not indeed of the highest class. The causes of those varying and opposite judgments and feelings, present an interesting field of critical enquiry; and in order that we may obtain a clearer view of it, and of the peculiar merits of Mr Martin, we shall attempt a sort of parallel between them and those of a contemporary of unmixed popularity, but of a very different class,—the President of the Royal Academy. In this, we shall discuss the nature of those claims to our admiration presented in the pieces of the latter, and show why all admire and none censure them; and shall then try to explain how it is, that some but faintly approve, or decidedly condemn, the works of the former, while others fearlessly rate them among the very highest of the productions of genius.

To what sentiments, then,—to what faculties,—do the portraits of Sir T. Lawrence appeal; and by what laws are their merits estimated? The answer will show that most of the sentiments they awaken, are such as exist in the bosom of almost every man.

It may perhaps be with truth asserted, that no human creature, in a sound state, mental and corporeal, ever existed who was quite unsusceptible of that pleasure which arises from the sight of a clever imitation. The exclamation of a clown, on beholding the pictured face of any person familiarly known to him, will immediately attest the pleasure which he receives from the deception: the most experienced critic will also derive satisfaction from the *look of life* which a skilful painter can infuse into his works. The nearer imitation approaches to the appearance of reality, the greater is the pleasure excited by it.

The colossal portrait, or the miniature, of one's friend, can never be taken for the living person ; but, under certain favouring circumstances, a picture of the just dimensions may, for a moment, cheat the eye ; and this advantage, as far as it is worth, the President possesses in representing his figures nearly of the natural size. Here, then, is one appeal extending to every beholder.

Again, there is a considerable class to whom the representations of genteel life are pleasing ; and Sir T. Lawrence unquestionably gives to his subjects the look of gentlemen and of gentlewomen, in a style superior to that of any other existing painter.

Others, in addition to the pleasure derived from these two sources, feel great delight from delineations of female beauty ; and nowhere can more exquisite specimens be found than in the portraitures under consideration.

A fourth class will experience an intense satisfaction from the display of a perfect command of pencil—from the impress of the character of the painter upon his canvass ; and in Sir T. Lawrence's *touch* they will find elegance, and tenderness, and gentle power. This class comprehends the superior artists, and, perhaps, but a few of the critics and amateurs ; but the influence of their opinions is extensive.

Another class of artists and sound critics may be sensible of high delight from the evidences of that faculty, not a very common one, which enables a painter to impart to his works the charm of *fine colouring* ; and in this department of his art, Sir T. Lawrence is not defective, though he is assuredly inferior to some other living painters.

Lastly, a yet smaller class, but consisting generally of persons of cultivated minds, and who exercise a considerable influence upon the opinions of others, find pleasure from beholding forcibly imprinted upon the countenance, nay, upon every attitude,—even upon the very drapery,—the character, the predominant feeling, of the individual depicted ;—the somewhat breathing, as it were, from the soul, upon every thing within its influence : And in this respect also, as far as his subjects allow, is Sir T. Lawrence eminently successful. His lords are prodigiously lordly ;—his senators are the very men, in their best looks, whom we see in the two Houses ;—shrewd, sagacious, and reflecting,—conscious of power and privilege ; and never doubting the result of the next election. Is it to be wondered at, that, with just claims upon the admiration of so many classes, this elegant artist should be so popular ? There is much in his pictures that is delightful, and nothing that can displease. He makes no demand upon our imaginations with which they are unable to

comply. With him we are in a pleasant valley, beside a quiet stream, and the Naiades and the Dryades around us are all the most polished ladies and gentlemen. He does not place us on the brink of some grand, but tremendous precipice, and make our weak brains whirl with giddiness as we look down : if he takes us on an excursion of pleasure, it is in a soft-rolling coach-and-four, accompanied with lords and titled dames. His lakes are always in sunshine, and gently curled by a spring breeze,—and his rivers are at no season of the year flooded to torrents. But there are feelings in the human heart, which a painter may awaken, far nobler and more stirring than those produced by such objects—and upon these he never calls. He is an elegant copyist of the nature which is before him,—frequently an improver upon the individual subjects whom he represents,—but he has nothing of the divine faculty that can make the painter's, as the poet's eye,

' Glance from earth to heaven,—from heaven to earth.'

The most unquestionable evidence of a superior mind,—a mind whose power resides within itself, and is not borrowed merely, or reflected from others,—is the manifestation of that faculty which has been named *Invention*. Clever men have ingeniously imitated the manner of great exemplars ; but to produce that which has no prototype, and which other men will be proud to imitate, is to create : and this is the exertion of the rarest, if not the noblest power of the human intellect. It need scarcely be said, that such originality as consists in mere oddness, or caprice, or affectation, cannot be admitted as *invention*,—which deserves the name only when it produces that which is at once new, beautiful, great, and surprising.

The possession of this high faculty we claim for Mr Martin, almost without a doubt of universal concurrence. If his subjects are not all such as were never before attempted, they are unquestionably treated in a manner totally different from that of any preceding master. The late venerable President of the Royal Academy was among the first to perceive the striking originality of the young artist's genius, and, with a generous frankness, to predict the splendour of his career. It may safely be said, that nothing in Mr Martin's works reminds us of the manner of any earlier artist. His strength is his own, as well as his weakness. He has not caught his light by reflection from any other glory; neither is he dark, in imitation of any other greatness obscured. His subjects, and manner, bespeak original power and native impulses. The mechanical processes by which the pencil produces its mimicry of form and

texture, appear to resemble those of no other painter. His earth, his skies, his foliage, his draperies, his architecture, have attributes all their own. It cannot be necessary to say more upon a point which will probably not be disputed ; we shall, therefore, proceed to make a brief estimate of the qualities by which Mr Martin has attained a reputation so well deserved ; endeavouring, at the same time, to indicate the reasons why his pictures are still, to certain persons, uninteresting, or perhaps disagreeable.

The qualities which we have ventured to assign as the causes of Sir Thomas Lawrence's wide popularity, we shall shortly recapitulate, because we design to show, that accomplishments which, to a man of mere talent, how exquisite soever, are absolutely essential to his very name as an artist, may, to a man of high genius, be almost unimportant.

From the first, and universally admitted charm of successful imitation, Mr Martin derives little or no aid. His pictures are never deceptions ; they are representations—sometimes mere indications—of things : a dot stands sometimes for a man, and a square patch will intimate to us a mighty city.

With the second charm in the works of the President, that which pleases by the representation of genteel life, Mr Martin has nothing to do. To subjects like his, the genteel life of any one country or age are but as the hues upon a bubble which bursts while you look upon it. His men and women are not the men and women of London, or of England, or of Europe, or of the nineteenth century. They are such as from the creation have existed, and to the end of time, shall exist.

The President's third, and most potent spell, affords to Mr Martin no aid ; for in the representation of beauty—the beauty, at least, of the human countenance—he has not hitherto succeeded. We are not without hope, justified, as we think, by the decisive improvement visible in the figures, generally, of his last great picture, that he may even yet add this attraction to his many others ; but we speak now of that which he has done ; and must hold that no part of his success has arisen from his power of pourtraying female beauty.

But neither to the fourth charm which we have assigned to the President, can we trace much of Mr Martin's reputation,—that perfect command of pencil, namely, which gives the impress of the character of the painter upon his canvass. Mr Martin's *touch* has not always the character of himself, or of his subjects ; and the class of critics who alone can estimate this excellence properly, are not uniformly satisfied with it. His own mind, estimated by his works, should be bold, enthusiastic, and ima-

ginative; but his *handling* does not always express this character. On the contrary, there is sometimes a tameness and littleness in his touch, quite inconsistent with the daring magnificence of his conceptions; an air of careful *neatness*,—as though his work were executed with a small brush, and a cautious hand. That no hand is, in truth, more bold and self-relying, we know from undoubted authority; but we are speaking of that which *appears* upon his works, and from which alone the general spectator can draw his inferences.

It must be admitted, that this almost feeble neatness may be the consequence of the frequent minuteness of his objects, which require to be painted with care, but which, from their number, and their\* comparative unimportance in the grandeur of the scene, cannot be finished with that last exquisite polish which, in many pictures that have no other claim whatever, excites an almost universal admiration. We have seen specimens of high finishing upon trifling objects from the pencil of Mr Martin, and cannot doubt that, if he were to stoop his wing, and work upon the ground at *Still Life* with those who never soar above it, he might successfully compete with many an illustrious Dutchman. In such parts of his pictures as permit the free scope of hand, Mr Martin manifests a touch of perfect dominion over his canvass. Witness his mountains piled to the sky,—his foliage occasionally,—his inimitable clouds. But whatever may be his real merit or demerit in respect to his *handling*, it must, we think, be conceded, that in analyzing the delight which we feel on beholding his paintings, we are not sensible that much, if any, of our pleasure is owing to that impress of the feelings of the painter upon his canvass, which we have noted as one of the causes of the general popularity of Sir Thomas Lawrence.

The fifth of those causes, which, however, we considered as less conducing to the President's success,—the charm, namely, of fine colouring,—we must perhaps consider to be also as little effective to Mr Martin. He is, in truth, most unequal in this regard; for no colouring can well be worse than almost all his flesh-colouring,—the most difficult of all, and in some works, but not in his, the most important;—while the colouring of other parts of his paintings is truly admirable and unexcelled. We must not stop to point out instances; but shall venture to hold, that of those who admire his works, there are but a few who attribute much of their pleasure to his superior colouring.

With regard to the last quality, that, namely, of forcibly imprinting upon the human countenance,—upon every limb and attitude, nay, upon the very drapery itself,—the moving passion

of the individual depicted, we must again, in the case of Mr Martin, pronounce a chequered opinion. It has been the practice of some to hold his figures as matter for a charitable indulgence;—as so much given into the bargain with the gorgeous architecture;—as things avowedly placed there, merely to show where, as being essential to the making-out of the scene, the painter would intimate to us that men and women ought to be. But this opinion we consider to be erroneous; and we believe that the public generally, since the exhibition of the *Fall of Nineveh*, are convinced, that in this regard, justice had not been done to the painter. We are ourselves disposed to rank him as at once among the feeblest, and the most powerful, masters of expression. In attempting to mark in the countenance the workings at the heart, he rarely, if ever, succeeds. His genius is essentially Epic, and not Dramatic: he can work with Homer, or with Milton, in presenting a great event, with all its magnificent concurrents—the confusion and rage of battle—physical sublimity, darkness and tempest; but he can do nothing with Shakspeare, in embodying the passion of Love, or the fine philosophy and solemn musings of Hamlet. We scarcely recollect to have heard any face from his pencil pointed out as admirable for the force and propriety of its expression, with the exception of that of Sardanapalus in the *Fall of Nineveh*; and with this, we, for our own parts, never could feel satisfied.

As far, then, as he is to be viewed in this comparison with the President of the Academy, we must say, that in the faculty of depicting the varied expression of the human face, which, though assuredly in a walk far humbler and less difficult, so much contributes to the success of that gentleman, Mr Martin has hitherto not been successful: And we shall thus find that, of the six accomplishments which we have ventured to assign as mainly contributing to that elegant painter's popularity, there is not one which we dare, in a *high degree*, to attribute to Mr Martin. Yet he is confessedly a great painter. Glaringly deficient in any one of these qualities, Sir Thomas might have still been a successful painter of faces, but he would never have been sent for to the congress of kings;—proud lords and dames would never have deemed themselves as much honoured as honouring in placing themselves beside his easel;—and he would probably never have taken his seat in the chair of the Academy. But, not very eminent in any of these qualities, and by others totally unassisted, Mr Martin has elevated himself to the very highest station among painters. By what powers he has so raised himself, let us now enquire.

That which chiefly distinguishes Mr Martin from other art-

ists, is his power of depicting the Vast,—the Magnificent,—the Terrible,—the Brilliant,—the Obscure,—the Supernatural,—and, sometimes, the Beautiful. These are great and noble elements, and are often used by him with a masterly hand. As contrasted with those excited by the exquisite works of the President, to what different sentiments do they not address themselves ! In awaking to them, we find ourselves suddenly in a new state of existence. No painter has ever, like Martin, represented the immensity of space—none like him made architecture so sublime, merely through its vastness : no painter, like him, has spread forth the boundless valley, or piled mountain upon mountain to the sky—like him has none made light pour down in dazzling floods from heaven ; and none has like him painted the ‘darkness visible’ of the infernal deeps.

With our feelings warmed, and our imaginations expanded, by such subjects, we are comparatively indifferent to the mechanical means by which they are effected. If his flesh-colouring is not so rich as that of Etty,—if the drawing of his figures is not so correct as that of Lawrence,—if his touch is not so tender as that of Claude, or so free as that of Salvator,—we can excuse it, because he excites in us emotions of a nature far nobler than those with which we contemplate the utmost perfection of mechanical skill.

It is not that fine colouring, and correct drawing, and the other accomplishments of a painter, are unimportant in even the most ideal and sublime of his works ; but that, as estimated with their value in humbler subjects, they are *comparatively* so. What would Wilkie be with Martin’s indifferent power of individual expression ? or Etty, with no more than Martin’s skill in flesh-colouring ? or Lawrence, with as much imperfection in the drawing of the human figure ? But if, to his higher powers of imagination, Martin could bring the full aid of these accomplishments, assuredly he would, to an incalculable degree, increase the merit of his pictures as works of art, and their effect upon every spectator, and, as a necessary result, his own already high reputation. That their colouring and pencilling contribute little towards the stirring effect of his pictures, is sufficiently proved by the undiminished, if not indeed *increased*, power of his designs, when reduced to the mere black and white of mezzotinto prints. The emanations of mind seem to come upon us with a severer grandeur from being more divested of mechanical adjuncts. The spirit of the conception appears to have cast off a portion of the clay by which it must be rendered visible to a material eye.

Mr Martin’s admitted peculiarity of pencilling has been to some

persons so offensive, that they have laughed at the ignorance of his admirers. Yet those very objectors have been loud in their praises of his engravings. But the chief matter,—all that stirs great emotions within us,—is nearly the same in the picture which they revile, and in the print which they admire: and they thus tacitly acknowledge that they have attended more to some mere imperfection of the *setting*, than to the precious jewel which it bound in.

But if we feel compelled to admit Mr Martin's mediocrity in much of that which is almost entirely mechanical in his art, there is one power that, in a free sense, may be also called mechanical, which, by the confession, we believe, of all, he possesses in a degree superior to any painter, living or dead—the great and unprecedented skill which he has shown in his management of the laws of perspective. That these laws are to be learned without difficulty by any common understanding, is not unfrequently the remark of men who have themselves shown their ignorance of them. These persons desire to insinuate, that effects produced by the application of simple mathematical laws, must have in them something of a mechanical nature which is unworthy the attention, or the use, of a man of genius;—that such effects are, in truth, a sort of *trickery* in art; and, far from being worthy of admiration for their difficulty or their rarity, are to be accomplished easily by any man who thinks the attempt worth his while, and not derogatory to the dignity of his genius. It may be sufficient, in answer to this, to say, that the laws of perspective do not furnish Mr Martin with his magnificent conceptions; they do not create his mountains, and his far-stretching plains,—his grand array of battle,—his ‘cloud-capped towers and gorgeous palaces’: these must first exist in the mind of the painter; and the laws of perspective are merely the means by which he realises them to the eyes of others.

There is in the works of this artist a singular mingling of the great with the minute,—of vastness in the whole, and infinite multiplicity in the parts. This has been objected to; and it has been said that he has no unity,—that he paints a hundred pictures in one. But minuteness of detail is, then, only inconsistent with grandeur, when the details are not in accordance with the pervading spirit of the whole; when they manifest in the artist a  *littleness* of conception,—a poor ambition after trivial attainment;—when they tend to distract attention from what ought to be the absorbing interest,—when they seem to be thrust in without a reason, and without propriety;—when they appear to have been introduced, not from any natural and obvious suggestion of the subject, but from some caprice, or wrongheaded notion of the art-

ist;—when they imply a taste not capable of selecting exclusively the beautiful, or grand, and a judgment unable to estimate the essential and the congruous.

If Mr Martin's multiplicities of detail can be truly charged with any of these faults, then assuredly he must, to the extent of such fault, submit to condemnation. But we cannot find that he is, in this respect, obnoxious to any of the objections above mentioned. We speak, of course, of his greater works only; and wish, indeed, to limit ourselves to his *Nineveh*, and the three paintings from which he has produced his large mezzotinto plates. He depicts a *great event*, and gives *the whole*, and all its *congruous parts*. He does not, like Bassan, in the picture to be seen at Hampton Court, make the exquisite painting of a brass pan form a prominent object in a representation of the Deluge. He introduces sometimes his 'vessels of silver and of 'gold,' but it is only when they form a necessary part of his story; and they are not obtruded upon the eye, as if they would challenge the admiration of the painter of still life. In *Belshazzar's Feast* he covers the table with glittering utensils, though at the same moment, the dreadful words, from the hand that has disappeared, are flashing unearthly light through the magnificent hall, and a mysterious terror has seized upon every beholder; but these utensils are the 'golden and silver vessels' which had been taken from the temple of Jerusalem—and for the desecration of which that punishment was, in part, thus awfully denounced upon the proud and impious king. When, in the *Fall of Nineveh*, he mixes with his representation of so direful an event, a dazzling display of jewellery and gorgeous furniture, it is because these things are essential to the great incident which occupies the foreground of the picture. Sardanapalus is about to terminate a life of voluptuousness by a daring and deliberate act of self-destruction; but he will not leave his concubines and his riches to the enemy. He has caused to be heaped up 'all his gold, and silver, and royal apparel'—and they stand upon the vast pile, awaiting the torch that is already kindled. To have omitted these, would have been to tell that portion of his story more imperfectly. The artist has to represent, not some individual action, but a scene in which numberless actions are working to one end. He has to depict the fall of a great city, and the contest betwixt armies. Surely there is not the less of unity, because a thousand consentaneous actions are involved in the great one, which, without such, could itself never have had existence.

Though, as our readers have already seen, we have estimated Mr Martin's power of physiognomical expression at a somewhat

humble rate, there is, we must now add, another species of expression, in which he stands almost unrivalled. Its influence has been felt by all who have received pleasure from his works; but by very few has the secret of its strength been perceived. This expression it is, by which every part of a picture is made, as it were, in one grand harmony to sound the chord of that emotion which is to it as the soul by which it lives:—it is the convergence of every ray towards the one burning point;—the bowing down of every subject-part before the throne of the one ruling sentiment. And in this fine concord resides the real unity of the picture, and not in its relative fewness or multitude of parts. A disciplined army beneath one chief, is itself but *one*, though consisting of thousands; and a painting may possess its integrity unbroken, though out of its fractional parts might be formed a thousand pictures. We must illustrate our meaning by referring to one of Mr Martin's works; and shall select that which, like a sudden sunshine, burst upon the unexpected public—his *Feast of Belshazzar*.

The story here told is of a supernatural visitation—of an immediate act of the hand of God working visibly to the human eye. A wicked and arrogant king sits with his thousand lords, his wives, and his concubines, at the feast, and impiously profanes the vessels which had been consecrated to the worship of the One God: but the gods of gold, and of silver, of brass, of iron, of wood, and of stone, they praise and worship. The measure of his guilt is full; and the punishment must follow. But, in the face of all has the crime been perpetrated, and before the eyes of all must his doom be announced. In the height of their sacrilegious banquet, a hand—an armless hand—writes upon the wall the irrevocable words; and, having written them, disappears. Then is the king's countenance changed, and his thoughts trouble him, so that the joints of his loins are unloosed, and his knees smite one against another. The astrologers and the soothsayers strive in vain to read the unknown characters; but the prophet of God appears, and interprets them to the king. This interpretation is almost immediately verified; for, 'in that night is Belshazzar the king of the Chaldeans slain.' This is the subject of the picture,—a theme grand, awful, and difficult. It is not a subject for a *fine colourist* merely, or an *expert draughtsman*, but for a *poet* who can embody his conceptions in form and colour.

What, then, is the great sentiment impressed by such a subject? and what is it, consequently, that the painter has to accomplish? To answer this, we again ask,—what must have been the prevailing sentiment of the spectators in the actual

scene? Various emotions might, at moments, mingle in various bosoms: the king might mourn his downfall,—the queen might lament her son,—the thousand lords might tremble for their power and their riches;—but these, and every other possible feeling, must be in subjection to the overwhelming awe arising from a belief in the immediate presence of an offended and threatening God. This, then, is the great sentiment; and this it is which the painter must attempt to infuse into his picture: every thing in it must have relation to this; all must be solemn, sublime, mysterious, and awful. He has to represent a scene in which the Deity himself, not all invisibly working, is an immediate agent: but how is this to be effected? The ‘fingers of a man’s hand, writing upon the wall,’ were, to the actual spectators, sufficient to attest the supernatural presence; but, as so many preceding painters have shown, in a picture, the motionless hand is merely ridiculous. It looks too often like the fragment of a statue, or like an inflated glove, or like any thing rather than the living, but not human, hand, whose possessor, though viewless, was *felt* to be present. It was in the *actual motion* of this bodiless hand, leaving behind it the unknown characters, that the token of a supernatural agency was acknowledged. The moveless hand merely, or the written letters merely, would have been thought the trick of an impudent impostor; but the armless hand, *moving* before their eyes, was indeed a terrible and unearthly spectacle. *But the pictured hand cannot move;* and the painter has therefore apparently nothing left but an unhappy choice betwixt the dead unmoving fingers and the characters ready-written out,—an alternative which seems to promise little success, as is shown in the labours of other artists. We do not mean to say that *The Feast of Belshazzar* has not been admirably painted by others, but that, before the present work, there has not been—as far as our knowledge extends—any thing that could pretend to be even the faintest shadowing forth of the *supernatural denunciation from God against the king of Babylon*. Mr Martin was the first to perceive, that it was not in the bodiless hand merely, or in the unknown letters, that the mystery and the terror consisted,—but in the *sense of a present supernatural power*. To awaken this sentiment was, then, his first great object; and he perceived that, though he could not give to the hand a supernatural *motion*, he might yet impart to the already written letters a character of mystery and terror, which would equally excite the sense of a supernatural presence. This he has triumphantly accomplished, by giving them vastness of size, and a splendour, as though the hand that had traced them had gui-

ded the lightning over the wall, and left its yet burning fires imprinted there. Having accomplished this,—having raised emotion of a character so awful and sublime,—it was necessary that all the accompaniments of the scene should likewise sustain a character of grandeur and awful magnificence. Letters written as with the lightning, would have been ill matched with a mean and familiar-looking chamber,—with commonplace decorations, or such objects as are every day beheld around us. To the spectators of the *actual event*, the effect might have been of equal force in a temple or in a closet; but not so to the spectators of *the picture*. By the former, nothing would have been seen but the bodiless hand, and the letters; but, by the latter, every thing will be deliberately examined; and every thing should therefore be made to sustain the mind, as much as possible, at its highest tone. The ruling sentiment of the present subject is *a sublime and supernatural awe*, and every part of the picture should, therefore, receive its character from that sentiment. Vastness and strength of architecture powerfully excite a sense of awe and grandeur: such an emotion, though differing in kind and in degree, is therefore in harmony with that ruling sentiment; and Mr Martin has accordingly presented us with a hall of dimensions and gorgeous strength unparalleled. But when to the grand and the gigantic we superadd some powerful moral association,—when we give to it the hoariness of antiquity,—when we deepen its solemnity by the obscurity of night,—when, by concealing its limits, we lead the imagination to draw out the vast almost into the infinite,—then, indeed, do we awake to a sense of awe and sublimity, beneath which the mind seems overpowered. How nobly has not the artist provided for this feeling by that tremendous tower, which, buried in clouds, and darkly visible under the flaring of the distant lightning, looks grimly over the roofless palace-hall, as if its impious builders had indeed made its top to reach unto the Heaven! Every thing, in a word, combines to excite and sustain that emotion of *sublime and supernatural awe*, which is the ruling sentiment, the very soul of the subject.

We have heard it said that Mr Martin has never copied a picture of any other master,—that he has never studied anatomy,—and that he has rarely, if ever, painted from the living figure. If these assertions be true, we do not know how he could satisfactorily clear himself from the charge of a negligence that must have been most injurious to him. The neglect of these two essential studies may amply account for two of his chief imperfections,—the generally incorrect drawing of his figures, and

the indifferent colouring of his flesh. Assuming that he is himself conscious of these two failings, it must appear surprising that the obvious cause should not have occurred to him, and that the remedy, as obvious, should not have been resorted to. He colours his flesh ill,—but, to colour well is not an instinct,—it is an art; and an art is never, in its perfection, the produce of a single mind, but the result of the accumulated labour and experience of many. He that avails himself of all that has been done by others before him, may hope, by the superaddition of something, to excel them all; but he that trusts to his own unaided genius for that which can be learned, in its most perfect state, only from the labours of others, places himself, to a certain degree, in the disadvantageous situation of the man who had to struggle against the difficulties of its first feeble beginning. Whatever the native powers of such a man may have been, he probably effected little, and was soon forgotten. The painter that would colour well, must not hope, by the force of his own genius, to leap at once to that height which has been attained only through the united and long-continued labour of all that have gone before him; but must diligently study the best patterns which they have left, and endeavour to add perfection to that which seems the most perfect. Nature alone must not be his study, for he does not make *his* man from the dust, and breathe into his nostrils the breath of life: his flesh is of another clay, and must be wrought after a different fashion. Nature must be his model, but Titian, and Vandyke, and Velasquez, must be his instructors. We cannot believe that it is even yet too late for Mr Martin to resort to the living model, and the glowing canvass of his great predecessors, for improvement in his figures and in his colouring. The striking superiority, in these two particulars, of his last great picture over all his preceding works, justifies the belief that he might still,—in the practical part, at least, of his art,—far surpass that which he has done the best; and encourages the hope that he will, with unrelaxing diligence, pursue every means which may conduce to further excellence.

ART. IX.—1. *Notions of the Americans.* By a Travelling Bachelor. 2 vols. 8vo. London, 1828.

2. *Travels in North America.* 1827-8. By Captain Basil Hall, R.N. 3 vols. 8vo. Edinburgh, 1829.

HAD a new planet dropped at once alongside of the old, Europe could not have been more astonished than when she opened her eyes, at the first discovery of America, on the unknown companion which had been sleeping for ages at her side. It was the heroic age of Geography. The outline, too, of this new nature, seemed struck with a bolder hand. The contemporaries of an event so marvellous, may be well excused, if, amidst the novelty of such excitements, their expectations were turned more towards an El Dorado, and a Fairy Land, than to any mere variety and modification of their own worn and ‘work-a-day ‘world.’ A long and painful interval has passed. Philanthropy will now do well to look back and contemplate the reproachful contrast of the little that has been accomplished for human happiness over so large a portion of the earth, in comparison with what might and ought to have been achieved, by the European masters, who took this godlike responsibility into their hands. The heirs of Christopher Columbus have scarcely done less for the great personal object which, by his will, he emphatically enjoined on them—the appropriation of their expected riches on another Crusade for the recovery of the Holy Sepulchre from the Turks.

Three centuries of forbearance might reasonably appear long enough. Accordingly, it can scarcely be matter of surprise, that at their conclusion, Europe should have been called upon to render an account of her stewardship; more especially, as her western agents had become sufficiently powerful to set up on their own account. The course of European policy, or passion, which, disdaining to act the part of private tutor to the humbler families of our race, found in the weakness of imperfect civilisation the means and title to their extermination or oppression, brought with it the melancholy but yet undeniable advantage, that when the next crisis of collision came, the experiment of Transatlantic self-government would be tried with firm materials of national character and intelligence, derived from and identical with our own. No time is so ill spent as that which is employed in disheartening one’s self by vain regrets. Instead, therefore, of lamenting that the globe can have no second America in reserve for us, where the red man, ‘the native burgher of that desert ‘city,’ may be restored to his crown of feathers in his rightful

forests—and whither the black man may never be carried in christian chains across the ocean to a deadly bondage—we shall act more wisely in confining our thoughts to the singular condition which America still presents for our consideration; and in seeking out our proper share in the glimpses and anticipations of her ‘All hail hereafter.’ The Dragon, which had watched for ages the Hesperian gardens of the Spanish main, has been so lately dispatched, that it is far too soon to prophecy or to reason upon the policy and fortunes of the several Creole governments which seem now rapidly rising over its dismembered empire. Their great predecessor in American Independence, *the United States*, has alone made the progress, and arrived at the position, where, as it boldly challenges, it can also be fairly subjected to, the criticism of the remainder of mankind—the sensible, and, it may be fairly supposed, impartial lookers-on.

Such a subject reaches out into an almost boundless expanse, and is crowded with topics of varied and unequal interest. For instance, few scenes can be imagined more picturesque and animating than the lion-bound with which the pioneers of their civilisation have plunged into the wilderness and brought up the long-delayed arrears of social life, by constructing in a few wild weeks, what must otherwise have been the slow developement of ages. It is a contrast which outstrips even the difference of polar and tropical vegetation. The statistics of a country, the inexhaustible resources of which are breaking out into every form of wealth and industry, under the searching ingenuity of a race whose shrewdness and indefatigableness have been long a proverb, merit deep attention, whilst they keep varying and advancing from year to year on a gigantic scale. The power of such a people, and the direction in which they may be disposed to use it, are becoming more critical considerations every day. Their republican form of government in its hardy attempt to solve out and out the old problem of ruling all by all, is necessarily the most striking object of hope and contemplation that modern politics have ventured to propose. Nor can it be the less so because the trial was commenced, and is working forward, under many circumstances of exemplary good fortune. It is making by a people who not only inherit the thought and patience, and some other most valuable qualities of their English ancestry, but who were trained and educated, and had actually passed from the feeble gristle into the bone and manhood of a hale political existence, under English guidance and control. Above all, it is making under the incalculable advantages of that sea-room, the want of which necessitates half the tactics, and constitutes the severest risk, of older States. The features of their

domestic life and habits cannot but have acquired a peculiar cast and physiognomy under the influence of strange, yet permanent impressions. The manners of the respective classes of European society are cast pretty much in a common mould, and are afterwards kept distinct by the distinction of ranks, and their minute divisions of professional life and labour. There is great liability, therefore, to error in our predisposition to transfer our own traditional tests to a state of things so dissimilar in most respects. Several of the elements now at work in the American community, are themselves new; the proportions in which they are mixed up vary exceedingly from our ancient standards; and the bustling movement of their restless effervescence, is constantly rising up and pushing against the cork. Though the bowl may seem to be skimmed faster than can leave time for any thing like cream to form upon it, yet its analysis is doubtless another very interesting enquiry. Especially, if there is any hope that the ingredients can be observed sufficiently close and clear to admit of their being classified according to their several principles; so that we may distinguish what effects are derived from natural and local causes, and what are to be attributed to institutions.

Considerations of this nature spread a table, where every species of intelligent curiosity must find something to its taste. The incredulity, therefore, of the Americans, is more rational than their mortification, at the singular want of curiosity throughout Europe respecting their country; whilst their invention is both taxed for historical and moral explanations, why England has not taken much more pains than her continental neighbours to ascertain and satisfy her ignorance. Mr Cooper observes, that the American little suspects, even now, how completely his country is without the pale of European thought; and justly adds, that the ignorance in which she has remained of America, and American character, from the day her pilgrims first touched the Rock of Plymouth, to the present hour, has been one of England's great misfortunes. Such, certainly, has been the fact hitherto—we trust that it will not long remain so. Meantime, however we may be disowned, let us remember that we have some family reputation at stake. Though the hussy ran away and married to disoblige us, she is a chip of the old block. Then, a limit can scarcely be put to the vastness of the common objects which the closeness and the variety of our commercial connexions necessarily involve. Local distance is nothing in such a case. At the rate of modern communication, it has almost ceased to enter into private, much less into public, calculations. The fact, however, is, that we do actually touch in a hundred points, much more important than any on the Map, by interests,

whose proximity, whether in peace or war, is immediate and intense. In peace, not a village rises on the Ohio, but Manchester and Paisley feel its influence, in the call of another customer. In war, not a vessel can put to sea, but some of those fatal questions that are still open between the countries, leave the profession and the chances of neutrality little but a name.

Under such circumstances, every one must regret any course of accidents, or perversion of ingenuity, by which the two nations might contrive to remain, in many most important particulars, strangers to each other ; or, what is worse, manage to get wretchedly and spitefully ill-informed. A precise acquaintance with each other's strength, condition, character, and feelings, is among the most desirable portions of knowledge which they can respectively acquire. Such improved intercourse, it may be hoped, might go far towards stopping the growth, if it should not altogether put an end to, a suspicious soreness and alienation that are already breaking out occasionally in blotches. Feelings, it is admitted, are at present brooding, three thousand miles off us, which seem likely to sour and canker into the most melancholy, because most pernicious form, that the spleen and pride of human infirmity can assume—a decided national dislike. In the present state of the world, we cannot conceive how Mephistopheles could employ himself in any task so thoroughly acceptable to his infernal master, as that of pandering to any jealousies of this nature, and inflaming whatever evil passions may unfortunately exist.

Though the matter, it will be seen afterwards, is not one of such perfectly plain-sailing as we should have expected, still, the Americans ought to find comparatively little trouble or embarrassment in getting at the truth in regard to England. Our state of things is, for the most part, an old story. It lies in small compass, and, as it were, under a glass-case. Their young country is living, too, on our ephemeral literature as their daily bread. On the contrary, our means of learning what is really going on in America, have been very slight and uncertain ; and therefore, as a nation, whatever are our errors, they are the less wilful and premeditated. The private travellers on whom we have been thrown, are pronounced invariably incompetent, precipitate, and false ; but, were we to send out a commission of Quakers and Philanthropists, it is doubtful how far we should be advanced ; since it is gravely stated, that the simplicity of their national institutions and character, results in a riddle of which it is impossible for a European to get the key. The mystics have nothing to exceed this.—‘ An European can scarcely spare sufficient time to acquire the simplicity of habits—may I also say, sim-

' plicity of thought—necessary to estimate our country. There is no people of whom a superficial knowledge is so soon gained, for they are communicative, and without suspicion; but long familiarity is required to judge of a nation so eminently practical, and so universally influenced by common sense.'—(Cooper's *Notions*, p. 448.) According to this republican dogma, we must possess our souls in patience until some native author will deign to enlighten us. This done, too, he must be judge-supreme in his own cause; whilst we can have nothing for it but to fall down upon our knees, and worship whatever 'notions' he may please to dictate to our incorrigible incapacity, hardened by false refinement into a state of moral and intellectual reprobation. Our information, however acquired and correct, moreover, will not stand us in good stead long, as an American himself, it appears, if absent from home for five years, is left behind.

We hardly know whether our readers will find themselves in anywise relieved from this dilemma, by following our example—that is, by reading consecutively the two books, whose titles are prefixed to the present article. The first, for our comfort, is by a native author. We are revealing no bibliopolitical secret, we presume, when we name the deservedly celebrated novelist, Mr Cooper. The other is the fruits of a tour which Captain Hall lately set about, with 'the earnest wish' of converting himself from certain anti-American heresies of his youth, by examining matters on the spot. Unfortunately, his expedition has told so entirely the other way, that the publication of travels benevolently undertaken with the intention of persuading the two countries to kiss and be friends, is now seriously explained and justified, from a sense of duty to his country. The destruction of his hopes is apparently meant to act as a solemn warning of what wicked republicans will come to. The two writers agree in the theory of deriving from the form of government, rather than from the peculiar circumstances through which the country is passing, the true origin and explanation of almost every phenomenon. In other respects, the whole Bodleian cannot contain two books whose principles, sentiments, and conclusions, have so little in common, and so much that is vehemently and uncompromisingly opposed.

Writers of fiction by profession (for example, Dr Southey) make generally a sorry business of it when they descend from their poetical machinery to earth, and condescend to grapple with real life. They are apt to insist here, too, on having a world of their own, and on ruling, distorting, and colouring it in their own way, as despotically as a girl deals with her first doll. The form under which these present 'Notions' are couched is a very

round-about device for telling a plain story, whilst it may serve excellently well—accordingly, it was thus originally invented and applied—as a vehicle for ingenious exaggeration and caricature. They are to be read as Letters on America, written by a *quasi* Citizen of the World, to the different members of a Bachelor Club, the representatives of some several kingdoms of poor obsolete Europe. When it is meant to be especially emphatical and authentic, the author lays aside his travelling domino, and puts on the genuine American, in the name of one Mr Cadwallader, at whose awful presence, as often as he comes upon the boards, our candles began regularly to burn blue. There is no accounting for tastes. We are very thankful to the said gentleman for any information; but he is about the most disagreeable personage we ever came across, either in life or upon paper; and is certainly the last that we should have chosen as the personification of a country to which we might have the honour of belonging. He is the knight-errant of American optimism, with his club for a lance, and a mammoth, or sea-horse, for his charger. The mysterious air with which he watches his full-blown bubbles traversing the empyrean, gets tiresome at last. His magnanimous heroics on every simple matter, are too like what the cast-off Brutus, or Penruddock, of some country theatre, might be figured mouthing out in the reduced character of conversational bully to a *table d'hôte*.

As far as respects the tone and kindly atmosphere of the respective books, certainly married life never appeared to more advantage. The bitterness of the Bachelor is indeed relieved, rather more than could be wished, by a certain infantine innocence of understanding, which Captain Hall's political generalizations might almost seem to have contracted from the nursery companion who makes so prominent a figure in his tour. The ordinary narrative, however, flows very fresh and pleasantly. His descriptive views look almost as if thrown off by some happy mechanical aid, corresponding to that of his camera lucida,—giving a slight and ready outline, without affecting either much character or depth. Several incidental circumstances, as well as the unflinching course of his observations, all drawn and gravitating to the same point, will satisfy most readers that the early prejudices, whose influence he imagines he had outgrown, lay deeper than he was aware. The last Chapter is set in battle array for the purpose of clenching his previous arguments, in the form of an imaginary conversation. It is an explanation of the feeling which an Englishman entertains, under the name of loyalty, towards the person of his King, and also of the uses which, whether churchman or dissenter, he acknowledges in a church esta-

blishment; first, ‘as a type of the rock of ages,’ ‘in preserving the purity of religious doctrine,’ by which Episcopalian, Presbyterians, Huntingdonians, and Jumpers, it seems, all equally profit; and, next, from the resistance which, by its ‘ponderous ‘inertia,’ and ‘stupendous authority,’ it offers—‘being the only ‘fixed body in the country’—to the ‘mischievous objects’ which the ‘unstable will of kings, ministers, and people,’ might pursue. We call this conversation imaginary, since, notwithstanding the frequent testimony his candour bears to the obliging endurance which underwent similar inflictions, without a single instance of the loss of temper, we cannot comprehend the possibility of such a dialogue as is here set out, actually taking place. Captain Hall appeals to this Chapter, as a test by which his countrymen may determine his competency for accurately depicting the external form and pressure that politics and morals may have assumed in any given society; and by which they may judge of his sagacity in tracing back, to their main and common source, the minute and subterraneous streams that the force and bent of circumstances afterwards scatter off in a hundred directions. The perusal of it has very much damaged our confidence in any specific talent for getting deeper than the surface, or for bringing together, in any doubtful case, the proper causes and their consequences, under the same roof, or within any reasonable distance of each other. It seems to dispense, too, with a necessity for further examination into his amusing supposition, that the Americans must surely have changed the meaning of many words in the English language, to account for the difficulty he frequently experienced in making himself understood.

Again, the impression that the authority of personal observation might have produced, is very much lessened by hints peeping out occasionally from behind the curtain, which show that the whole case is not brought forward. These omissions may arise from a generous and gentlemanlike aversion to any thing which might subject him to the imputation of having been a spy in private society, or a traitor to its confidences; or may be accounted for by various prudential motives. ‘I am conscious,’ says he, in one place, ‘that I shall advance many opinions respecting America, for which there cannot appear adequate authority.’ He elsewhere admits that he does not speak ‘the whole truth.’ Now, a writer who prints the favourable facts, and suppresses the unfavourable ones—from whatever reason—can scarcely hope to carry the minds of his readers along with him, to the extent of the impression which the whole, taken together, have raised in his own mind. It follows, that this must be particularly the case, in proportion as the reader has much

greater reliance on his author's facts, than on his ability for reasoning upon them.

In all judgments attempted respecting a country under the circumstances of America, there must be two standards, one positive, and the other comparative. It is important that it should be always understood which it is that is asked for, as well as which it is that has been used. The amount of what has been accomplished, with reference to the time and means that have been employed, may not only be such as ought to satisfy all reasonable expectations, but may justly raise our ideas of human exertion; yet the amount may not present us with a perfect condition of society, or one to be on the whole compared with the average of more advanced, though more burdened states. There will be a long balance of advantages and disadvantages to be struck. In a survey of this kind, a previous value ought to be agreed upon for the different circumstances, whose comparative importance, it is plain, we must first marshal, before we can come to any intelligible result. It is of some consequence whether the deficiency, in either account, is in its pounds, or farthings. A pauper emigrant and a gentleman traveller might differ as to what facts should be classed under these respective columns. The one would be for placing the higher estimate on plenty of employment and good wages; the other, on the probability of sitting down at dinner opposite a man whose hat was unbrushed and shoes unpolished for months together—with a barbarian on your right hand, eating his peas at the knife's point, and possibly the waiter (in case he be not a negro) seated on your left.

A picture, whose canvass has the Gulf of Mexico, the Atlantic, the St Lawrence, and the Mississippi, or Missouri Prairies, for its frame, must take generations, under Mr Malthus's most powerful multiplier, to fill up. Yet the tide of population is rolling gallantly on, displacing the wolf, the squirrel, and the rattlesnake, and subjugating the waste rankness of vegetable nature to the breathing uses and enjoyments of human life. The wilderness is attacked sometimes by individuals; at others, it is borne down and overwhelmed from the first by the columns of an infant community meeting together and moving on at once *en masse*.

The systematic regularity with which, in this warfare, the government campaign is carried on, is thus described by Captain Hall:

'A district of country intended for the market, is first surveyed, and laid out into square portions, a mile each way. At the corner of each of these square miles a stake is driven in, with a proper number, & letter, carved upon it; and the trees between this post and the next,

which is always fixed due north or south, or due east or west of it, are marked by means of what are called blazes. This operation consists in shaving off a slice, about twice as large as a man's hand, with an axe, at about seven or eight feet from the ground.\* In this way, when a set of lines, running in the direction of the meridian, are intersected by another set stretching east and west, the unoccupied country is covered with a net-work of divisions a mile square, each containing 640 acres.

' A settler who has a fancy to take up his quarters in a district so marked out, dives into the forest, and roves about till he lights upon a spot to his mind. He next sets about finding what are the marks upon the stakes nearest to him, and by reference to these, the land-agent, who has maps before him, can at once lay his hand upon the very spot. A second reference, to the surveyor's report, also in the land-office, determines the nature of the soil, the quality of the timber growing upon it, its distance from a navigable river, or from a road, and what is the nearest town; in short, all the circumstances upon which depend its value in the market. A bargain is now made between the agent and the new-comer. A tenth part, or some other proportion of the purchase-money, according to circumstances, is required to be paid down at once, and the rest, it is stipulated, shall follow by instalments. If the settler, fortunately, have ready money enough to pay for the whole at the moment, he gets his title-deeds immediately; if not, he must wait till the instalments are paid up. It is important to observe, that no such instrument is binding, unless it be previously registered in a public office, expressly formed for this purpose, and nearly resembling, as far as I know, the system of registration in Scotland. All mortgages, or other liens upon real property, may be thus at once ascertained.

' The settler then proceeds to his lot, which may be the whole, or any portion, of the square mile that he and the land-agent can agree about. There he chops down the trees, burns some of them, makes his house of others, and splits the remainder into poles for his fences; and, by bringing his land into cultivation, he is enabled to pay up his purchase-money from time to time. If, instead of being industrious, he be idle or dissipated, or get tired of his bargain, he walks off without ceremony, and without scruple; because he leaves the property better than he found it. It does not much signify, in this respect, whether he have done much or little to it; since every turn of work upon it for the first few years, can have no other effect than raising its value, by getting rid of the woods.

' From all I could learn, there appears to be a singular degree of pleasurable excitement attending this process of clearing waste lands; for it is apparently not so much the end, as the means, which affords this gratification. A settler, especially from the New England states, often begins the world in that country with no other fortune than a stout heart and a good axe. With these he has no fears, and sets merrily forward in his attack upon the wilderness. In the course of the

first year he raises a little Indian corn, and other things, which keep him alive, and enable him to supply various wants. Next season he makes a fresh start with improved means, and a few less discomforts, but always with a confident spirit. By and by he marries, raises a family, buys more cows, pigs, and horses, and so on, little by little, carving out his fortune by dint of hard labour. In time his sons grow up, and help him to take in fresh and richer land; when he can afford to do that, he sells what he had formerly cleared; and thus goes on, chopping and clearing, and bringing up a troop of broad-shouldered sons, strapping fellows, whom he sends out, or, rather, who send themselves out, from time to time, to the westward, to subvert other forests, and run the same round their hard-working father has run before them.'—(Pages 143-6.)

The following scene is very graphic. It is laid only a mile out of the flourishing village of Rochester, where the

'streets seem to be starting up of their own accord, ready made, and looking as fresh and new as if they had been turned out of the workman's hands but an hour before—or that a great boxful of new houses had been sent by steam from New York, and tumbled out on the half-cleared land. After a zig-zag scramble amongst trees which had been allowed to grow up and decay century after century, we came to a spot where three or four men were employed in clearing out a street, as they declared, though any thing more unlike a street could not well be conceived. Nevertheless, the ground in question certainly formed part of the plan of the town. It had been chalked out by the surveyor's stakes, and some speculators having taken up the lots for immediate building, of course found it necessary to open a street through the woods, to afford a line of communication with the rest of the village. As fast as the trees were cut down, they were stripped of their branches and drawn off by oxen, sawed into planks, or otherwise fashioned to the purposes of building, without one moment's delay. There was little or no exaggeration, therefore, in supposing, with our friend, that the same fir which might be waving about in full life and vigour in the morning, should be cut down, squared, framed, and before night, be hoisted up to make a beam or rafter to some tavern, or factory, or store, at the corner of a street, which twenty-four hours before had existed only on paper, and yet which might be completed, from end to end, within a week afterwards.'

This restless and undaunted impulse is acting even more vigorously farther west. Captain Hall gives a very agreeable sketch of a group which he fell in with, bent either for Florida or the Mississippi. The looseness with which family ties can hold together so scattered and rambling a population, will appear by turning to his representation of the interview which took place between the leader of this party and his brother, a resident of the seat of government of South Carolina, as the wanderers were passing through it. (Vol. iii. p. 129.) They probably

might at last be among the parties present at the following curious auction. The melancholy remnants of the Indian race, whether permitted as tribes, or recognised as nations, living upon their reservations within the self-created territory of the United States, are calculated at about 120,000. From time to time they are bought out, (to roam westward, ‘like bees whose ‘hive has been destroyed,’) by bargains which Mr Cooper, as he cannot put them higher than the ordinary arrangements between the weak and strong, coolly calls ‘a deference to general ‘principles of justice and humanity.’ General Troup and the Georgians so far exceeded, in 1827, the privilege of abuse on such occasions, that the general government felt itself called on to interfere. The territory between two great rivers, lately the property of the Creek nation, ended by being disposed of by lottery, each inhabitant having a draw for lots of about 200 acres. The State Government reserved to itself five miles square, as the site of a future city, to be sold off in half acres, at the point where a fall in the river of 200 feet secures a powerful natural ally to the manufacturer, and whither steamboats had already come up from the Gulf of Mexico. Advertisements over all the Union, with sixty days’ notice, had already collected upwards of 900 people on this spot; and as fresh comers were daily dropping in from all quarters, 3000 or 4000 adventurers would probably be standing round the Christie of the Desert, when his hammer was to decide their fate.

‘A gentleman,’ says Captain Hall, ‘had been kind enough to accompany us from the agency, to show off the Lions of this singular place. The first thing to which he called our attention, was a long line cut through the coppice-wood of oaks. This, our guide begged us to observe, was to be the principal street; and the brushwood having been cut away, so as to leave a lane four feet wide, with small stakes driven in at intervals, we could walk along it easily enough. On reaching the middle point, our friend, looking around him, exclaimed, in raptures at the prospect of the future greatness of Columbus, “Here you are in the centre of the city!” In a very short time, he assured us, it would be no longer a mere path, but a street sixty yards wide, and one league in length! By keeping a bright look-out as we proceeded, we could detect other similar cuts into the forest, branching off at right angles to this main avenue—as it was to be called. As yet, however, these cross streets were only indicated by a few stakes driven in by the surveyors.

‘After threading our way for some time amongst the trees, we came in sight, here and there, of huts made partly of planks, partly of bark, and at last reached the principal cluster of houses, very few of which were above two or three weeks old. These buildings were of all sizes, from a six-feet box or cube, to a house with half-a-dozen windows in front. There were three hotels, the sign belonging to one of which,

for the employment of negro labour; but, what is more to the purpose, in many districts (chiefly in consequence of the want of manure, arising from cultivation by human instead of other cattle) the land is so exhausted, that the slaves cannot reproduce as much as they consume. This discovery would, of course, soon bring about the extinction of slavery in such places. In Maryland, accordingly, we rejoice to find, whilst the number of blacks increased on the whole by about 1600, between the years 1810 and 1820, that there were 4109 fewer slaves there, at the latter period. But the blessed event of an extinction even thus partial, is thrown back to an indefinite distance by the fatal market, which is widening daily in the more southern States. The above northern plantations are becoming a vast breeding ground, where blacks are reared for the express purpose of supplying its terrible demands; and an internal slave trade thither, consequently, is carrying on both by sea and land;—‘one of the most extensive in the world, in the very heart of the United States!’

We are sorry to learn from Captain Hall, that in consequence of the evasions practised by new settlers, under the leave reserved of bringing their own negroes with them, the State Legislatures have discovered their enactments are unavailing, and have given up the struggle. Mr Cooper and Captain Hall approximate nearer to each other in their gentle handling of the great slave questions, than upon any other point. Yet the latter, notwithstanding a considerable difficulty to get at his opinion, from the half backing out and sidling, which often leave the words without much progress towards a conclusion, brings us alongside facts that bear all one way. Whatever the letter of the law may be, it appears that its administration, except in some cases of rare enormity, rests entirely with the master. No register of punishments is kept. Manumission, and instruction in reading even and writing, are in some places prohibited; in all discouraged: yet a great improvement, in spite of all depression, is apparent between the homebred negro and the African barbarian. ‘The parents of the rising generation of slaves are everywhere so well aware of the advantage of educating their children, that they do contrive, somehow or other, to introduce more or less of education among their offspring.’ We hope that this conviction may extend also among their masters, and that the Bishop of Barbadoes may receive encouragement from planters of the following description. The Bishop of Jamaica we despair of touching:—‘I met many planters who made no scruple in stating, that, according to their view of the matter, grounded on experience, the security of the whites and their property became greater, in proportion as the negroes acquired knowledge; and that

'the safety of the whites was at the minimum when the blacks were kept at the lowest stage of ignorance.' Would you have men deserving of confidence, you must take them into some sort of moral and intellectual alliance. The experiment, much as the arrogance of colour shrinks from it, has answered here, whenever tried. Schoolmasters find no natural inferiority. It is not seen in later life, at sea, where alone there continues the semblance of equality, the moment after they have stepped into the world. In the following statement, Captain Hall shows how they rise with their opportunities:—' I could observe, however, very distinctly, that in proportion as the distance from the coast increased, the condition of the negroes was materially improved. We often saw them working in the same field with white men, and I more than once saw a black man seated in the same room with a free person—a thing never dreamt of elsewhere. They appeared to be better fed, and better dressed also, than the negroes of the coast; and, from all I could hear, were fully better treated in all respects, and not so generally kept in ignorance. The beneficial effects of this difference in the condition of the slaves, even to the masters, I was rejoiced to learn, was generally acknowledged.'

The form in which Mr Cooper has graciously couched his compliment to the civilisation and character, as well as comforts, of the slave, is an amusing instance of the reckless management of the gauging instrument by which this political exciseman undertakes to prove the strength, and discriminate the scale, of human happiness and virtue. It is no secret what the red man soon becomes, when once within the corrupting reach of European intercourse. Captain Hall, describing the ball-game as played by the Creek Indians, says,—' Heretofore I had hardly ever seen Indians, except lounging about on the road-sides, wrapped in dirty blankets, begging for tobacco, or stealing, like strange dogs, timorously, and more than half-t tipsy, through the streets.' Mr Cooper, who should know them well, calls 'the majority in or near the settlements, a humbled and much-degraded race.' In the interior, 'they were all alike, a stunted, dirty, and degraded race.' But when he comes to the Atlantic Indians,—'in point of civilisation, comforts, and character, the Indians who remain near the coast,' he says, 'are about on a level with the lowest class of European peasantry. *Perhaps they are somewhat below the English*, but I think not below the Irish peasants. They are much below the condition of the mass of the slaves.' It follows, therefore, that slaves who, as a class, it is acknowledged are entirely destitute of education of any kind, and who are borne down by those vices which every intelligent

man must feel are the inevitable result of their condition, must be much superior in civilisation and character to the English peasant ! And this is the doctrine preached by the prophet of ‘ common sense, high-mindedness, and humanity,’ whose trumpet at every page is sounding in our ears, that the spirit which accompanies universal suffrage, and the intelligence which is based upon elementary instruction, make America supreme in civilisation, pre-eminent in the truths of human existence, and the centre of the moral world !

Be the blight of slavery more or less pernicious to its victim, it is admitted, that it reaches the master caste as well as that of the slave. The whites in Carolina are comparatively idle; and parents bitterly lament the impossibility of conducting the education of their children under the example and contamination of a despotic home.

The contrast between the spectacle presented to a traveller sailing up the Hudson or the Magdalena, is one of the boasts of freedom. But we possess the authority of Humboldt for the fact, that flourishing and industrious villages of free negroes were existing in Spanish America before its independence ; and her subsequent proclamation of equal rights among all her citizens, of whatever colour, has, above every other act, secured for her cause the sympathy of Europe. It will be a dark exception to the moral superiority assumed in favour of the United States, if, notwithstanding the encouraging experience of all the gradual movements that have been ever made, and in spite of this last great example, they persist in denying their negro population the chances of improvement due to human beings. The remaining alternative is a fearful one—the precedent of Hayti, should insulted humanity avenge its wrongs ; or the extension of an interminable bondage (which already holds in chains nearly a sixth of their people) over regions that, it will be seen, embrace two-thirds of this almost boundless empire. Their tendencies, we confess, dispirit us. Without a pretext, (upon the late adoption of a new member into their body,) Missouri was converted into a slave state.

There can be no pleasure in contemplating the products of human labour, without one can believe that human happiness is on the whole advanced by their creation. The industry of the free states, their manufactures and commerce, are charged with no deductions by reason of such fears, and must always represent the increasing civilisation of human life. Captain Hall was struck at the fairs of Brighton and Stockbridge, with the quality of the domestic manufactures that were exhibited for public inspection—the latter being only a remote country place. On the

other hand, Mr Cooper admits that many European articles are finished with a degree of minute perfection unknown as yet in America. His suspicion, that 'this wary people have ever in such cases counted the profit and loss with sufficient accuracy,' can only mean, that purchasers are not to be found for the better article at a remunerating price. This admission may satisfy him that one of those peculiarities he is so fond of magnifying does not exist; and that the American manufacturer has not to contend with a difficulty unheard of elsewhere—that of starting into existence full grown, in consequence of his customers consuming only the best articles. (436.) The Americans either do consume the first-rate articles, or they do not. If they do, they must pay the manufacturer, whether a native or a foreigner, such a price as will make it worth his while to provide it for their market. In this case the most wary manufacturer would find his profit in manufacturing the article if he has the ability to do so. On the other hand, supposing that the Americans do not consume the first-rate articles, the manufacturer is not called upon to begin full grown, but just at that point of inferior commodity and inferior price which his customers can reach. The result of our author's determination to discover either extraordinary facts, or splendid reasons for ordinary ones, leaves us at liberty, between two statements that are irreconcilable, to take what Europeans would call the common-sense explanation of the matter. Captain Hall probably gives it when he says, that 'no one in that busy country has time to attend effectually to the completion of any given job.' Every thing is prepared just up to the mark of the average taste and a ready market. From the circumstance, that an American finds plenty of people to sympathize with him in the art of making money, but none in that of spending it, Captain Hall afterwards observes, when treating of American society, that this want of a permanent spending class would sadly isolate and embarrass a gentleman who had money and leisure on his hands. The same absence of steady wealthy customers, prevents the existence of steady, superior tradesmen. In towns that have passed out of their teens, and where the same store does not provide the settler with his axe, and his wife with her pelisse, purchasers are secured by competition in the cheapness, and not the excellence of goods.

Whatever price America may pay for her Tariff, and whether it is founded on a desire to retaliate on our corn laws, or on a premature ambition to enter into every line of civil greatness, it is gratifying to find that she is not paying any portion of the penalty in that abasement and corruption from which our mas-

ter manufacturers have taken too little care to protect our establishments at home. The appetite for gain may be as devouring and as cannibal-like as that for blood. We trembled as we read the testimony against the smaller manufacturers of Lancashire, in some portions of the Emigration Evidence. The encouragement in their old age of some legislative limit to the hours of infant labour, will hardly weigh down, in the scales of eternal justice, a swollen fortune rolled up out of the sleepless nights and broken constitutions of the helpless poor. Also, notwithstanding the discredit which Mr Owen has thrown, by his late philosophical speculations, on the soundness of his earlier philanthropy, the spectacle of the schools at Lanark is a fact that no incredulity can gainsay. A ready compensation is there provided for some of the evils connected with the great numbers that manufactures crowd together. The indifference with which we have received this practical example, is really a national reproach. The factories of Lowell (for coarse cotton stuffs) by the Falls of the Merrimack, are stated to be probably the largest manufacturing establishment in America; although the painted savages have been driven out only within these few years by the power-loom. Not only did every thing appear perfect in the business part of the arrangements, but several schools were pointed out to Captain Hall; no less than three churches; and a brewery was also rising, in the hopes of putting down the grog-shop. We should rejoice to hear that Manchester could show a pendant to this sketch :

' I was awakened by the bell which tolled the people to their work, and on looking from the window, saw the whole space between the 'factories' and the village speckled over with girls, nicely dressed, and glittering with bright shawls and showy-coloured gowns, and gay bonnets, all streaming along to their business, with an air of lightness, and an elasticity of step, implying an obvious desire to get to their work.' (P. 137.) ' I was glad to learn that the most exemplary purity of conduct existed universally among these merry damsels—a class of persons not always, it is said, in some other countries, the best patterns of moral excellence. The state of society, indeed, readily explains this superiority : in a country where the means of obtaining a livelihood are so easy, every girl who behaves well is so sure of being soon married. In this expectation, they all contrive, it seems, to save a considerable portion of their wages ; and the moment the favoured swain has attained the rank of earning a dollar a-day, the couple are proclaimed in church next Sunday, to a certainty.' (P. 134.)

The manufacture of cottons in the United States was stated, at the Harrisburg Convention, to take off annually 175,000 bales of cotton, and to supply 14,000,000 yards of printed cottons. The importation of cotton goods, which in 1825 was upwards of

12 millions of dollars, in 1826 was little more than 8 millions. The whole exports of America, in 1826, amounted to 78,000,000 dollars. Of these 6,000,000 were domestic manufactures, being more than double the export of domestic manufactures in 1821. Upwards of a million consisted of cotton piece goods. The woollens imported for consumption in 1826, were estimated at eight millions of dollars. Mr Mallory, in supporting a bill for higher protecting duties, puts the manufacturing capital invested in the manufacture of woollens at 40 millions of dollars. The agricultural capital invested in land and sheep set apart for raising the supply of wool, (estimated at between 30 and 40 millions of pounds,) is rated at 40 millions of dollars more. Sixty thousand persons are said to be employed in the woollen manufacture. The northern farmer is pacified under the duties, by the argument that our refusal to receive their ‘bread stuffs,’ would leave him without a market, unless he got one from the domestic manufacturer at home. The encouragement which American agriculture receives from American manufactures is enforced by the statement that 629,000 barrels of flour were imported from other parts of the Union into New England in 1826 ; whilst 860,000 barrels represented the entire export of American flour to all parts of the world in the same year.

It was justly observed by Mr Mitchell, in the debate upon the Woollens Bill, that the alleged fact of four-fifths of the importing trade of New York having passed into the hands of foreigners, only proved, if true, that the American merchants, in their choice of objects, could not spare sufficient capital from other lines of business ; and that the foreigner who stepped in and supplied the deficiency, conferred a benefit on the country. It is, after all, very remarkable that there should be American capital enough to cover as much space as is actually occupied by it ; that it should turn with such promptitude into new courses ; and (when a few great and secure employments lie clear before it) that it should be trusted to fly at such distant objects, and run so many risks. The surveys for canals and railways that crowd the chapter appropriated to local history in the American Annual Register, almost make one giddy.

There is one department to which they appear faithful,—their commercial navy. Whatever may be the temptations that attract capital to other channels, none interferes with this. The total tonnage of the shipping of the United States amounted, in 1826, to 1,534,000 tons. This was an increase of 111,070 tons within the year ; being more than double the increase in any one of the twelve preceding years. The registered tonnage, being that which is employed in foreign trade, and the enrolled and

licensed tonnage, being that which is employed in the coasting trade, out of both of which, of course, the sum total is composed, were nearly equal to each other in 1825. Of the 606,000 tons employed in 1790 in the foreign trade, 251,000 belonged to foreigners. Of 611,000 tons employed in 1794, this proportion was reduced to 84,000. And of 880,000, in 1820, it had sunk down to 79,000. The exports of 1825 exceeded 92 millions of dollars; of these, 81 millions were made in American vessels. The imports were 91 millions; of these also, 86 millions were made in the same. The exports of 1826 had sunk to 78 millions, and the imports to 85 millions; but 70 millions of the exports, and 80 millions of the imports, were carried in native ships. Making all reasonable deductions, Mr Cooper seems entitled to consider that the proportion in which the Americans, as compared with the English, appear to be addicted to navigation, is as seven to five in favour of the former.

However they manage it, whether by discouragement or competition, they are difficult to deal with on this element. Cadwallader is as much struck with the frequency of the American ensign at Liverpool, as Captain Hall is puzzled to explain how, in spite of the doctrine of reciprocity, ‘he could very seldom dis-‘cover an English flag in the forest of masts at New York.’ In confirmation of this, he observes, that of the two millions of tons of shipping which entered the ports of the United Kingdom in 1828, one-fifth, or 400,000, were from the North American colonies, and exclusively British; employing above 18,000 seamen. On the other hand, the whole British tonnage employed in our commerce with the United States, amounted only to about 80,000, and employed only between 3000 and 4000 men. There can be no dispute of the importance of our trade with our North American colonies. But there is a difficulty in believing their present facilities for commerce can be brought easily to compete with those of the United States. Our Ministers urged it as an argument with Mr Rush, in defence of the duties laid upon American shipping in our West Indian ports, that they were solely laid on for the protection of our North American colonies; and that these colonies, nevertheless, had not yet been able to ‘obtain a proportionate share,’ even in those ports. We cannot imagine, in the face of such facts, that any sane person would contend that America is a continent with too spare a population to afford herself seamen when she wants them. Mr Cooper reminds these sceptics, ‘that she possesses such an extent of coast, such rivers, such bays, and such a number of spacious and commodious havens, as are the property of no other people.’ His arrangements for the appropriation of the property

of other countries are so summary, that probably, instead of disputing the facts of the following paragraph, he already reckons its contents as part and parcel of the American Confederation.

' The maritime resources of the United States at present are limited, by climate and other circumstances, almost exclusively to those parts of the ocean which lie on the Atlantic coast, to the northward and eastward of the Delaware ; and although these are, no doubt, very important, and daily increasing, they are inconsiderable in comparison with those furnished by the coasts of the British Provinces. The American maritime line does not embrace above one-third of the distance that ours occupies ; it possesses no single port or bay—not even New York —to compare, in a naval point of view, with Halifax, and various other harbours of British North America, into which the largest line of battle ships can sail at all times of the year, and at all times of tide. It must also be recollectcd, that the climate of the Southern States is not suitable to the production of hardy seamen ; while the Western section of the country, where the population is making the greatest strides, brings forward few of the essential attributes of a navy. The fishermen, and other thorough-bred seamen, who crowd the shores of the British Provincial line of coast, are, numerically speaking, considerably greater than those of the American shore alluded to.' (Hall, vol. iii. p. 407.)—Captain Hall does not here appear to pay sufficient attention to the important persons whom he afterwards describes as sufficient to make up a crew for a line-of-battle ship, in case the war was popular,—' Landsmen, but who are a very different class of men in America ; —tall, strapping, resolute fellows, accustomed to the oar, and to spend half their lives on the enormous rivers which intersect their country in all directions. These men are, moreover, quite familiar with the smell of gunpowder—have a rifle always in their hands—are expert, enterprising, and always ready to acquire, though only to a certain extent, any kind of new knowledge.' In case of reverses, or of the war assuming the character of an offensive one—' The insatiable love of change, and rambling spirit of enterprise, which, on the first supposition, brought people from the rivers and creeks of the back woods to man the ships, would now make them wish to go home again—beyond the reach of the painful routine of naval duties.'

—(Vol. iii. p. 89.)

Mr Cooper admits that a difficulty was occasionally found in getting a crew during the war with England. He accounts for this by the competition and advantages offered in privateers ; and by the disinclination which seamen felt to run the risk of

being handed over to the fresh-water pond of the Lakes. At the worst, he looks forward to the national resource, not of impressment, but of a naval draft.

The evidence respecting the trade and fisheries of the American colonies, opened at the Bar in 1775, seems to have astonished the House of Commons, especially the boldness with which the people of New England pursued the whaling. Burke asks, ‘What in the world is equal to it?’ Privateers and public cruizers dared to show themselves on the instant of the revolutionary war; but a navy department was not created till 1798, nor a permanent naval peace establishment till 1801. The force was then reduced to nine frigates; and excepting an attack on Tripoli in 1803, was employed only on coasting duties until the war with England in 1812. It is said that they had at that time only twenty Government cruizers perhaps in all; though 10,000 men were shortly seen serving in their privateers. The policy of a more imposing marine was instantly adopted at the peace, and has been vigorously persevered in, by such prospective appropriations as are remarkable in their frugal system. The actual force in commission is little more indeed than twenty sail; comprising one ship of the line and six frigates, and is manned by something above 5000 men. The pay and subsistence of officers and men is 1,300,000. There are 1000 marines employed besides; but the force that could put to sea in a few weeks is calculated by Mr Cooper at about fifty sail. Compared with that of 1812, he estimates it in the proportion of twenty to one:—‘not in the actual number of the vessels certainly, but in their size. In 1812, the Americans could show but seven frigates, only three of which were of any magnitude; while now they might show a line of twenty-seven sail, the smallest vessel of which should be the largest vessel they possessed in 1812, and the largest a ship of six times the force of the latter. This change denotes, to say the least, a serious intention to protect themselves.’ The above, it is supposed, would mount 2500 guns, and would require 20,000 men. A corps of 950 officers is kept up permanent, of whom no one is put on half pay but at his own desire. The force actually afloat is manned without any bounty; merely by paying higher wages to its sailors than the ill-judged parsimony of other Governments, that lean towards the barbarous and dangerous substitute of impressment, have yet thought fit to give. The Americans pay their inferior servants higher, and their superior officers less, than any other country. Their first two dry docks are only now building, one near Boston, the other near Norfolk in Virginia. Nearly all their public vessels are built of the live oak of Florida.

The rapidity of their work resembles the celebratedfeat of the Venice dock-yards, where a galley could be put together, rigged, and sent to sea, in four-and-twenty hours. A three-decker, it appears, can be afloat on Lake Ontario before the crew which is to man her, could be easily assembled. Captain Hall saw one on the stocks in Sackets Harbour.

' It is said that she was built in thirty-one days from the time the first tree was cut down; and I met an American gentleman on the spot, who told me he had been present at the time when this singular operation was accomplished. An immense number of shipbuilders, it seems, all expert workmen, were sent from New York, and other sea-port towns. These were assisted by an unlimited number of labouring hands, teams of oxen, horses, carts, and so on. In a couple of weeks more, he told me, she might have been launched, and all her guns, masts, and sails on board, ready for action. The treaty of Ghent put a stop to these proceedings; and as it was stipulated by an article in that instrument, that neither party should have a force on the lakes, these great ships, both at Sackets and Kingston, have come to serve no further end, in the meantime, than the innocent purpose of amusing the perennial crowds of Cockney tourists who escape in autumn from the malaria of the southern and middle states, and fill up the time by taking the well-beaten round of the Falls, the lakes, and the springs of Saratoga. The great American ship above alluded to, is built of oak in all the essential parts, and is filled up in others with red cedar. As far as I could judge, this vessel seems to be put together, notwithstanding the hurry, in a very business-like style. She is covered over with an immense house, or shed, which looks, at a distance, like the forest-dwelling of some inhabitant of the earth—the giant contemporary, if any such there were, of the Mammoth and Megalosaurus.'—(Vol. i. p. 355.)

The numbers of the American army, and that of its navy, are nearly the same—about 6000 men. Their soldiers enlist for the limited period of five years, and are maintained at the annual expense of about two millions of dollars. The education given to the cadets at the West Point Academy, and the experience of the two first campaigns of the war of 1812, which are characterised as having been unmilitary, expensive, and disgraceful, are probably improving their military system. General Jackson has already received an exciting reward, for his brilliant exception from these censures, in our discomfiture at New Orleans, and will appreciate the compliment, paid at the expense of the officers of Europe, to the subalterns of this little army. They are pronounced to have ' received rigid military educations, tempered by a morality and a deference to the institutions of the land, elsewhere little cultivated.' Captain Hall is quite agreed with Mr Cooper in respect of the discipline in the American

navy. He thinks it even sterner than in our own, and it probably required to be so, from that want of dependence on others so universal everywhere through the whole country, when once you pass beyond the walls of a ship, and those of the House of Refuge at New York. Mr Cooper, perhaps, will not agree equally with the following fact which Captain Hall makes the cornerstone of a rather tedious, but very good-natured defence of military flogging.

'The old method of punishing offences by flogging has been abolished in the American army, by an act of Congress, dated the 16th May 1812; and ever since, as far as I could learn, from enquiries in every part of the Union, the discipline of the troops has been gradually declining, and the soldiers becoming discontented, chiefly, I believe, in consequence of the introduction of a great variety of other punishments, some of which I had an opportunity of seeing.'—(Vol. iii. p. 93.)

The national militia, amounting to upwards of 1,150,000, is stated to be in training from four days to six in every year; the laws on this subject to be matter of endless discussion; and the militia exercise so loose, that they would require untraining again, whenever they were called out to actual service.

There is a real pleasure in comparing the immense latent means which, for all just defensive purposes, America must possess, with the insignificant portion of them that her position (in this respect, at least, so enviable) requires her to keep in battle order. An army and a navy, as actually kept up, stop short each at about 6000 men! This is a solid part of the advantage of distance from the seat of European struggles; of a neutral policy, and of being relieved from the splendid burden of colonial garrisons. A perfect confidence between a government and the governed seems inconsistent with any abstract necessity (the existence of which, to our astonishment, was once argued by Lord Liverpool), that a certain proportion ought to be maintained between the numbers of a people and those of its standing army. The census and the army list need not naturally grow up together.

The more we look at the mere latitude and longitude grasped within their map, and the longer that we pause over the diversity of interests, and the mixed degrees of civilisation necessarily contained in its circumference, the deeper becomes our sense of the concentrating force of those institutions and of that public spirit, which, dealing with rough materials, brought widely and suddenly together, can dispense with the ordinary aids of external pressure, and cement them up into one united system of natural power and order. They are beginning with an area

greater than that with which other empires close. The nominal territory to which the United States make claim is put at 2,000,000 square miles: the title to above half of which is at present in the Government, and long likely in great part to remain so. According to the tabular statement at the end of Captain Hall's last volume, the area of square miles included in the twenty-four States, the three territories of Michigan, Arkansas, and Florida, and the district of Colombia, just pass the million. The population of the whole is upwards of eleven millions; of these, 1,838,155 are slaves. The free blacks are guessed at about 260,000; they were 233,400 in 1820. The average of the whole is eleven to the square mile. It rises to 35 in New York. But the maximum ( $71\frac{1}{2}$ ) is in Massachusetts. Six millions of the white population are comparatively concentrated in the thirteen northern, middle, and north-western, or in the free States; which, including the Michigan, cover only the moderate space of 334,000 square miles. In 1820 their free blacks amounted to 112,281. The increase of the last is checked by the chilling prejudices under which their melancholy existence struggles on; but more effectually still by the cold of the climate to the north of Pennsylvania. Mr Cooper is really worthy of being put into couples with Mr Sadler, (and we can devise no harder fate for a fellow-creature of good logical understanding,) when, after observing that the free blacks are found hovering as near as possible to the slave States, because their physical temperament craves the climate of the south; and after accounting for their increase in Pennsylvania, and decrease in New York accordingly, yet refers to their chosen residence of Massachusetts for proof that freedom, under as favourable circumstances as they are probably fated to enjoy for a long time to come in this republic, is yet not favourable to the continuation of the blacks. Let him be but patient enough to look at the returns from our West India islands. Should it be beneath a patriotic American to submit his theories to the test of foreign documents, we will leave him to settle his assertion, 'that it is well known the whole white population increases rather faster than the whole black,' with Captain Hall's arithmetic. He will have no easy task if the whole slave increases faster than the whole free, notwithstanding the immigration of whites and manumission of blacks into the latter class. The six original States of New England comprise a country larger than England and Wales, with a population of about 1,800,000. But the swarms from this hive have been so rapid, that four millions, or between four-ninths or four-tenths of the entire white population, are set down to their account. The eleven slave States, with the Arkansas and Floridas, cover 600,000 square miles. Their white population is mentioned at 3,500,000—their free

blacks at about 150,000—the slaves at 1,750,000. These numbers are Mr Cooper's, and differ somewhat from the totals given from Waterston by Captain Hall. In the tables of the latter we observe that there are nine States only, and not thirteen, in whose slave-population column there is a consoling blank. Louisiana and South Carolina are the only two States where the slave population exceeds the free; and that very inconsiderably, the excess being about 9000 in one, and 18,000 in the other. There appears to be, taking the slave States throughout, two whites to a black. Between the years 1820 and 1828, the free population has increased seventeen and four-tenths per cent, and the slave, nineteen and a half per cent. This difference looks singular in itself, more especially when compared with the depopulating decrease upon our sugar islands; and is not less singular, in connexion with the terrible accounts of the autumnal mortality among the slaves, from the pulmonary disorders which are unavoidable on the rice grounds. A medical gentleman told Captain Hall of a friend who had lost forty out of three hundred slaves the preceding year. The red men within the bounds of the United States are called 120,000. Of these, 20,000 belong to the only five nations that are recognised as such eastward of the Mississippi. The Chickasaws, a people of about 4000, just bargained off to the west of Mississippi, had increased ten per cent in six years.

The celerity with which numbers are pushing on will, of course, leave their actual something behind their arithmetical strength, on a comparison with the census of more stationary countries. In 1820 more than one-third of the white population was under ten, nearly half under sixteen, years of age. The propensity of Mr Cadwallader to aggrandize every American peculiarity into something marvellous and almost providential, will not permit him to be satisfied with the admitted phenomena of American population. ‘Contrary to the fact in all the rest of Christendom, the women materially exceed the men in numbers. This seeming departure from what is almost an established law of nature, is owing to the emigration westward.’ If the bigotry of this own cousin to Glendower would have allowed him to look into the censuses of England before he turned the commonest facts into prodigies, he would have found that the constant demands made upon a male population, for the outward bound services of active life elsewhere, also bring about the same departure from a law, that nature is thus declared to have *almost* established for the Christian world. Is it meant by this cautious limitation of the supposed fact to Christendom, to imply that nature kindly alters her proportion in the East, in order to keep up the supply for the wants of a Turkish harem?

The fact is, that the average wear and tear of masculine professions are more than sufficient to turn the balance against the prospective provision by which, in the greater proportion of male births, nature seems to have, from the first, anticipated such a disturbing power to the permanent equality of the sexes.

The attractions of commercial advantage hurry on even the rate at which the general current is posting forward. New York, the Liverpool of America, which held, in 1756, 13,000 inhabitants, contains at present about 200,000. The Erie Canal was only finished the other day, and flourishing towns are already springing up along its line, in lively competition for their share of the advantages it secures.

' Syracuse, in the year 1820, consisted of one house, one mill, and one tavern; now, in 1827, it holds fifteen hundred inhabitants; has two large churches, innumerable wealthy shops filled with goods, brought there by water-carriage from every corner of the globe; two large and splendid hotels; many dozens of grocery stores or whisky shops; several busy printing presses, from one of which issues a weekly newspaper; a daily post from the east, the south, and the west; and a broad canal running through its bosom.'

Rochester is built a few miles from the southern shore of Lake Ontario, upon the Genesee river, over which the Erie Canal is carried by a stone aqueduct.

' The following table shows the annual increase of population in Rochester since 1815, the first year in which a census was taken:—

	Population.		Population.
December 1815, . . .	331	February 1825, . . .	4274
September 1818, . . .	1049	August 1825, . . .	5273
August, 1820, . . .	1502	December 1826, . . .	7669
September 1822, . . .	2700		

And it had reached considerably more than 8000, when we were there in the middle of 1827:—

' It may not be uninteresting, perhaps, to give another table, showing the number of persons engaged in some of the principal occupations in the year 1826:—

7 Clergymen,	184 Shoemakers,	17 Coach-makers,
25 Physicians,	20 Hatters,	67 Blacksmiths,
28 Lawyers,	73 Coopers,	14 Gunsmiths,
74 Merchants,	23 Clothiers,	10 Chair-makers,
89 Clerks,	20 Millers,	95 Masons,
84 Grocers,	21 Mill-wrights,	25 Cabinet-makers,
33 Butchers,	304 Carpenters,	5 Comb-makers,
48 Tailors,	29 Tanners,	26 Painters,
24 Wheel-wrights,	23 Tinniers,	16 Innkeepers,
21 Saddlers,	(qu. Tinsmiths?)	16 Goldsmiths,
8 Tallow-Chandlers,	14 Bakers,	31 Printers.
423 Labourers,		

Four political and one religious newspaper.  
One Christian monthly magazine.

I have copied this table from a work called, "The Directory for the Village of Rochester, for the 1st of January, 1827." I see in it no mention made of milliners, though I am sure we observed at least a dozen shops of that description, besides many others not mentioned in the above list.—' There were, in 1826, no less than 160 canal boats, drawn by 882 horses, owned by persons actually residing in the village, besides numberless others belonging to non-residents. Out of more than 8000 souls in this gigantic young village, there was not to be found, in 1827, a single grown-up person born there, the oldest native not being then seventeen years of age. The population is composed principally of emigrants from New England, that is, from the States of Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont. Some settlers are to be found from other parts of the Union; and these, together with a considerable number from Germany, England, Ireland, and Scotland, and a few natives of Canada, Norway, and Switzerland, make up a very singular society.'

Rochester derives its prosperity from being the emporium where, by means of the cheap canal-conveyance, the interchange takes place between the manufactured goods sent up from New York, and the natural produce returned for them from a vast interior.

The town of Cincinnati, further to the west on the Ohio, is equally celebrated all over the Union. A few years back, the savages hunted over the ground on which it stands. In a late number of the North American Review, there is an extract from one of its early Directories, which shows a very remarkable proportion of English inhabitants among the founders of its promised greatness. These speculations are sometimes pushed too fast; and we could fancy, that, if they grow up as suddenly, they are not likely always to strike root as deep, in the southern as in the northern States. Such appears to be, or has been, the brief destiny of Macon.

' Macon appeared to be in the South, exactly such a town as Utica or Syracuse in the north, or any other of those recently erected towns in the western parts of the State of New York. It had not the vehement bustle of Rochester, it is true, but it resembled that singular village not a little in its juvenile character, and might have been taken for one of its suburbs. The woods were still growing in some of the streets, and the stumps were not yet grubbed up in others. The houses looked as if they had been put up the day before, so that you smelt the saw-mill everywhere. The signs and sign-posts were newly painted; the goods exposed before the doors were piled up, as if just lifted out of the waggons; the bars at the numberless grocery stores, alias grog-shops, were glittering with new bottles and glasses, barrels of Hollands, whisky, and rum. The inhabitants were unacquainted with one another's residence; and I had to go to eight or ten houses in quest of one gentleman for whom I had a letter. As yet the streets had no names, but they were laid out with perfect regularity, as I could dis-

cover by stakes here and there at the corners, and by rows of the Pride-of-India trees planted along both sides, in a sort of mockery, as it seemed, of the grim old forest, which was frowning all round on these pigmy works of man. This town of Macon, though founded in 1823, had not yet worked its way to the maps and road-books. At its first establishment, it was thought the navigation of the river Ocmulgee, on which it stands, might be so much improved, that a communication could be opened with the sea-coast of Georgia, and consequently, that a great portion of the produce of the upper part of that state would find its way to Macon as a depot. But these expectations not being realized, the rage for settling there had given place to newer fashions; other situations had been preferred, and this city, which, in the opinion of its founders, was to have been one of the greatest in all the south, it was now feared would vanish altogether.—(Hall, vol. iii. p. 277.)

This looks more like the history of temporary arrangements put up for a fair, than substantial homes for generation to generation. The present Americans do not appear far wrong in taking the increasing number of cleared acres and of human beings, as the first outward and visible sign of real improvement. Without going the length of Swift's compliment to two blades of grass, and without agreeing even with Paley, that the collective happiness of any nation among the temperate governments of Europe, must be nearly in the exact proportion of its numbers, it may yet be true, considering the open back ground that America can retreat upon for ages, that the quantity of happiness raised there will be chiefly and most naturally affected by numbers. They are not running wild even on the prairies into a race of English Tartars. Their course is now what it ever has been, only that it is now on a naturally broader and grander scale. Yet fifty years ago, and Burke saw nothing in all history like their progress; rather ancient nations, than colonies of yesterday. The guardian angel that was to address Lord Bathurst, (' Young man, there is America, &c. : whatever England has ' been growing to in 1700 years, you shall see added to America ' in the course of a single life,') might have ventured on a still bolder prophecy, by the cradle of the only surviving veteran that signed the Declaration of American Independence. Mr Carroll remembers Baltimore, which now contains 70,000 inhabitants, a village of only seven houses. The angel would have had to tell him, ' You shall see this village swell into a powerful city, and you shall live on to witness the commencement of ' its decline.' Together with Boston and Philadelphia, it is already thrown into the rear by the steam-boat, and the superior natural advantages, of New York and New Orleans. It was right that America, as it has the main use, should have also the main ho-

nour, of the steam-boat. A passage up the Hudson from New York to Albany, (145 miles,) is made in twelve or thirteen hours. The backwoodsmen of the western country drop down with its produce to New Orleans in arks, which, being fastened only by wooden bolts, they there break up and sell. Returning home against the stream used to be a job of from four to nine months of weary rowing and warping, by successive lines fixed to the trees. They now get back to Louisville (1430 miles), as deck passengers on a steam-boat, for two guineas, and are between nine days and a fortnight on the passage. Considering the importance of water carriage along such immense inland regions, the acquisition of a force that can contend against and overcome these stupendous currents, must knock off centuries of doubt and drudgery from the industrious cities that are even already rising in the interior upon a hundred streams.

The ascendancy which the Erie Canal appears to be securing for New York, has made the canal-policy, of which De Witt Clinton was the great patron, and the success of which he only just lived to see acknowledged, a favourite speculation for the present all over the Union. The Erie Canal is 363 miles long, and connects the Hudson river and the Lakes. It was begun in 1817, and has cost rather more than two millions sterling; but the tolls on it in 1827 amounted to 850,000 dollars, and are giving already a large surplus profit. The state of Ohio is far advanced in a similar work, which will join the river Ohio and Lake Erie. An inland water communication of 2000 miles will be thus opened between New York and New Orleans, and give the United States great part of the advantages of an island. The letter-bag is carrying the wants and the intercourse of distant customers, and parted friends, among this scattered population. There are 7000 post-offices in operation, at one of which, in North Carolina, we were amused to find a Gaelic assistant was necessary for the Highland neighbourhood. The importance of internal communication on a combined and comprehensive system, has tempted the general government to extend to the Post-Office, as a national object, a degree of encouragement beyond what is by some thought consistent with the constitutional rights of individual States. The irritation does not seem the less, because of the smallness of the sum levied; or because twenty years have passed since the construction of the first national road; or because the existence of a national government appears to be brought home to an inhabitant of the interior, in scarcely any other way than by the presence of its officers directing works of national improvement. We know what Irish Grand Jury presentments were. It is well, therefore, to err on the side of

over-caution. But the prominence given to this cry, makes us think that the late American Opposition were rather in want of a grievance. It will soon be seen whether General Jackson's friends have been using this topic as a party weapon only; or whether he really will recall the surveyors off the roads, as well as leave the President's ball-room unfurnished, to save the vote of 500 guineas for upholstery for their Windsor Castle; and whether he has hastened to remove from the land, the enormity of the aristocratical and corrupting billiard-table, which Mr Adams was criminal enough to introduce into 'the White House.'

The jealousy with which the South watches the legislative policy of the North, naturally arises from the preponderance that the more rapid growth of the free population of the northern States has given them in Congress. A sectional feeling, therefore, as it is named, cannot but be called forth on all questions that suppose a divided and opposite interest. Of this nature are measures that charge the general revenue with the expense of surveys and of public works, which, when executed, will tend to increase still further this invidious ascendancy;—a Tariff, the immediate effect of which is to tax the Virginian planter for the exclusive benefit of the manufacturer of New England;—and all discussions touching on such irritable questions, for instance, as whether Missouri shall be admitted into the Union, with the privilege of holding slaves. The strongest constitutions, we are aware, are precisely those which are best able to throw out their peccant heat and humours. Their health is secured by the escape of such febrile symptoms to the surface as betray the apparent existence of malady to a stranger. Englishmen, who observe how foreigners (and even Americans, who should know better) are misled by speeches at Manchester and Spa-fields, will not draw very positive inferences from public resolutions or popular writings on such occasions. But it is a part of Mr Cooper's ordinary recklessness, that, with such elements under his eye as are breaking out in the Charleston papers,—in the votes of the Legislatures of Virginia and Carolina,—and in the articles in the *Southern Review* which speak of the American Constitution as so much waste paper,—he should quietly state, that he 'never heard 'a whisper against the great leading principles of the Government,' and should speak of America as 'perhaps the only country in Christendom where political disaffection does not in a greater or less degree prevail.' 'The little that is aristocratical in the 'Union' may not be the only danger to the confederacy; therefore to democracise Virginia completely, may not remove it. 'Collisions of pecuniary interest' are not always 'trifling.' Be-

sides, the very time of his political test will have already arrived, ‘if the influence of the several States is not of sufficient importance to satisfy their jealousy.’ We have no means of prognosticating whether ‘struggles for place’ may lead to another Hartford Convention in the New England States; or whether disunion, by reason of more creditable, and certainly as exciting causes, may come from the South or from the North. But it is evident, separation is not quite as ‘improbable as any other act of suicide:’ and indeed the truth is, as he elsewhere reasons, that it would most probably be no act of suicide at all. Man and wife had better part, than live together only to quarrel.

During the War of Independence, the thirteen colonies came to the contest as distinct bodies—united only by a common danger. As long as the unity of object secured them the substance of a sovereign government, the want of form was little felt. But the confederation which had been adopted in 1778, under the title of ‘United States,’ was found insufficient for any real federal combination, the moment that this excitement was withdrawn. The several members, of which it was composed, relinquished so partially any portion of their original authority, and exercised their independent powers so reluctantly, that, if the general government was to go on, it was necessary that its powers should be enlarged. The present constitution, under Washington as its first President, arose in 1789 out of this necessity. It is based, therefore, upon the principle, that whatever powers are not transferred by the constitution to the general Government, remain in the individual States as independent Republics.

The price paid for the great advantages obtained by this arrangement, is a double government. Of this the evils are, increased expense, and a jealousy among its component parts, whether directed against the whole or against each other. Captain Hall would add, as an aggravation, the necessity of second elections: this an American would probably consider an additional perfection. The objection, that a farther charge is thus created, seems more nominal than real, as long as no work is done twice over, nor overpaid. The Table at the end of Captain Hall’s last volume shows the cost both of the general Government, and of that of the separate States. The variation between the different States, in the sum raised for their Civil List and Legislatures, and in what each person pays to the State Government, or to the State and general Government together, is greater than we have seen anywhere explained. After all, few European governments would stand either of the tests proposed by Mr Cooper; namely, a comparison of the total cost incurred by

any given State, as New York, with that of the European community that most resembled it; or a comparison of the amount of contributions paid by individuals. The ordinary economy of their system can well afford them the indulgence of two political theatres open at once. He elsewhere admits, it is occasionally so false as to lose even money, by not bidding high enough for talent; and that their greatest public men have been beggared in their cause. But it was this carefulness alone which enabled Mr Adams to boast, in his inaugural speech, ‘that all the purposes of human association had been accomplished there, as effectually as under any other government on the globe; and at a cost little exceeding, in a whole generation, the expenditure of other nations in a single year.’

Apprehensions of the absorbing nature of the powers and patronage of a Central Government kept the several States, in the first instance, long aloof, and originated the two parties of Federalists and Democrats; and these have not, in fact, subsided. But the names, like Whig and Tory, are losing their meaning, if not getting obsolete. They soon became merely party watchwords; —having originally described two principles of policy, founded upon the degree in which persons were more impressed with the desirableness of strengthening the hands of Government, or were affected by fear of the probable encroachments of a strange and distant authority. There appear, however, no symptoms of any such consolidation of a central or permanent power. Nor does any nucleus, sufficiently strong or steady for such an accretion to form around it, seem to have ever existed: certainly none exists at present. Whatever may have been the danger half a century ago, the risk that the government will become stronger than the people, does not constitute the actual crisis. Mr Cooper perpetually changes his ground to suit the argument of the moment. At one time, the polity and manners of America have stood the test of two hundred years; the present republican institutions having in substance continued for nearly, and in some instances for quite, two centuries,—Rhode Island, the most democratic State of all, being governed now by Charles’s charter of 1663. At another time, calculating the rate of increase during the last thirty-five years, he calls that the whole period when the present institutions of the country have had an influence on its advancement. However, Captain Hall seems to be as impressed with the representations made to him, that a great change from a more aristocratical state of things to the present, had been gradually taking place, as he is satisfied that it is irresistibly going on. He will be a hearsay witness, more consistent than, and equally positive with, Mr Cooper, to the fact asserted by the lat-

ter, ' that since the hour of the Revolution, the habits, opinions, ' laws, and principles of the Americans, are getting daily more ' democratic ;' scattering the power of immediate control among the whole community, instead of collecting it into any superintending hands. There can be no jealousy in a people of such a Government. It is their own instrument, whether tool, plaything, or staff of life. The evil of a jealousy between different States is undeniable, and is quite another matter. A feeling in the south, that the northern members are disposed to sacrifice its property and its rights, by abusing their numerical superiority in Congress, for the purposes of selfish legislation, may be among the evils that are born or that pass away ; but it certainly is at present a fact as notorious as any in the public press.

The general Government is a copy of the State Governments : the variations of which, one with the other, are unimportant. They consist each of an executive and a legislature.

The President of the United States corresponds to the Governor of an individual State. The respective executive is vested in the two magistrates. The executive authority of the President is in some respects controlled by the Senate, whose consent the constitution renders necessary for the ratification of treaties, and to the nomination of certain appointments. The President's lawful power is thought by some to have been of late unconstitutionally encroached upon by the House of Representatives.

The State Legislatures correspond to the Congress ; both consisting of a Senate and of a House of Representatives, together with their respective executives. These two legislatures differ in the nature of the subjects reserved to the jurisdiction of each by the constitution ; in the term of service ; and in the mode of their election. The limits between these two legislative jurisdictions are hitherto very unsettled. In course of time, delicate questions must arise in the exercise of their sovereign discretion, upon points where little of precedent and regulating principle can exist : and the settlement of them seems very insufficiently and unimposingly provided for, by the apparent anomaly of selecting the Supreme Court of Justice of the United States as the ultimate tribunal of appeal over the legislatures both of the States and of the Union. The decision of such an umpire would probably, in case of conflicting legislation on the serious questions connected with slavery,—with the extinction of Indian claims, with their bankrupt and relief laws, and even their tariff, —give as little satisfaction, as upon the right to appropriate the public money in making roads.

The President's term of service is four years ; with the power of being elected for a second similar period. The State Se-

nators are elected for various periods; for five years in one State, and for four, three, two, and one, in the others. In most States, in order to prevent an entire change of the whole body at the same moment, a portion goes out during the term. The National Senate was an improvement engrafted, in 1789, on the confederation, which had consisted of a single assembly. It is thought to have had originally a good deal of the character of a privy-council. Its principal and most professed object, however, was the interposition of a second deliberative body; the want of which had been before much felt, but which many consider the Senate, from the constantly increasing impulse of democratic influence, imperfectly to supply. In the next place, since every State has two members in the Senate, it has become that branch of the legislature to which the smaller States look for the protection of their rights against the majorities which their population gives the larger States, in the Lower House. National Senators are elected for six years, and a third of them go out every second year.

The State members of Assembly, or Lower House, are chosen annually in all except five States, where they sit for two years. The Congress, however, has not got to annual parliaments quite. The seat of a representative in Congress is good for two years. The elective franchise is exercised by ballot. Universal suffrage has been gradually gaining ground, and is now nearly established, throughout the Union. A State is generally divided, for common objects of government and police, into counties which average 900 square miles, and to townships which average ninety. Previous to a poll, three stations are chosen in each township for the convenience of voters, and the different legislative elections are all fixed for the same time and place; so that, Mr Cooper says, ‘an American in the more populous States can exercise his ‘constitutional rights at an expense commonly of a ride of four ‘or five miles at the outside, and of three hours of time.’

A State senator is chosen by the inhabitants of divisions classed into senatorial districts. Senators of Congress are chosen by the legislatures of each State; the Upper and Lower House acting either in a body, with a joint ballot, or separately, each having a negative on the other. The number of national senators is forty-eight—just twice as many as there are States, there being two for each State, whether great or small; whose equality is thus constitutionally recognised, if not practically preserved.

The members of the State Assemblies are chosen by the counties, according to their population. The members of the House of Representatives in Congress are fixed according to a decennial census, at the rate of one representative for every 40,000

inhabitants. The last, in 1820, returns a House of 213 members, —five slaves being counted equivalent to three freemen. The honorary of eight dollars a-day to every member of Congress, and of three or two to those of the State legislatures, reminds us of the simplicity of our early times. We reserve, for the present, the detail of the election of a President, that being the storm whose successive shocks must try the strength of the American constitution, and apparently the nerves of every stranger within their gates.

Looking back at this description, an immense elective machinery seems to be thus erected over the whole country, which must be split up into committee rooms for the separate parties, and where society must be agitated by the friction, whirl, and dust of its wheels, whenever and wherever the immediate manufacturing of statesmen is going on. Mr Cooper tells us, indeed, that the interest in these contests is destroyed by their familiarity, and that vast numbers of electors are content to be lookers-on. This feeling, it is true, as well as a sense of weariness and disgust, may often keep those persons who are fortunate enough to preserve a spirit of moderation in the midst of general excitement, away from the ballot box. Also the same poverty, that drove our poorer boroughs to beg off the expense of members, will in some places calm electioneering as well as other passions. The towns in Massachusetts even, having to pay their representatives out of their own treasuries, frequently do not send any. In their sessions of 1825, it was calculated that 168 towns were not represented. Unfortunately, the seceders will probably be the very persons who could be worst spared. At all events, enough of interruption to what are elsewhere felt to be the chief duties and affections of private life evidently is thus produced, to warrant a strict enquiry whether the political advantages of this system, in the present state of American property and education, are such as to compensate for any considerable loss in other ways. In proportion as a man has property or education, society has some hold upon him. In proportion as he has neither the one nor the other, his interest in, as well as his knowledge of, its interests, becomes indefinitely small. In a government so thoroughly popular, it is important to look at the electors and the elected in this point of view.

As regards property, in connexion with universal suffrage, Mr Cooper allows, that ‘when the numbers of those who have ‘nothing, get to be so great as to make their voices of importance, ‘it is time to think of some serious change.’ According to Captain Hall’s account, the approach to this *nothing* is already as close among the electors as it can well be brought. The mass

of the people in all countries live from hand to mouth. ‘ This ‘ is decidedly the case in America ; for, though it be easy for a ‘ man to keep himself and his family alive by bodily labour, the ‘ great majority of the whole population possess little more than ‘ enough for that purpose.’—(Hall, vol. ii. p. 309.) What little surplus property exists, is almost all in the hands of those who have themselves made it. In respect of the persons elected by a people so circumstanced, he adds, that they are of course generally without fortune. The members of the House of Assembly of New York were described to him as being chiefly farmers, shopkeepers, and country lawyers, ‘ who had come to the Legislature ‘ straight from the plough, from behind the counter, from chopping trees, or from the Bar.’ The members of Congress are mentioned in the same way, as ‘ fresh from the woods and from ‘ the people; coming from every stage of civilization, and bringing ‘ with them the manners and taste of those distant regions.’ Our other authority (Mr Cooper) says to the same effect : ‘ It is ‘ not pretended a member of Congress should be, as a matter of ‘ course, a gentleman. On the contrary, he is very commonly a ‘ plain, though always respectable yeoman, and not unfrequently ‘ a mechanic.’ Remote frontier districts must send such men as they possess ; yet, strange to say, they have on the whole, ‘ with ‘ some very few exceptions, quite as much the air of the world about ‘ them as those who compose the chambers of the first two nations ‘ of Europe.’ What this said ‘ air of the world ’ can mean, under such circumstances, is not worth enquiring. It would be in contradiction to the disclaimer of a preceding page, to construe it either ‘ into the same conventional finish of personal deport- ‘ ment, or the same degree of education.’ Mr Cooper not only sets a value on the presence of a yeoman, as checking the schemes of those who would be legislating for effect ; but deems it a refinement of European theorists ‘ to assume, that profound thinkers would legislate better for a community, than a set of active ‘ and half-educated men, who are familiar with the practices of ‘ the world.’ Perhaps no people could fill every chair in either House with representatives who would do high credit to a nation. ‘ But there are many *reasons* why we do not.’ Such, however, being the *fact*, we begin to comprehend the justifications that were made to Captain Hall in behalf of the absence of the slightest expression of approbation or disapprobation in the course of their debates, on the ground that their hall would otherwise become a bear-garden. The error may be as gross, as Mr Cooper states it to be, to expect, in the Legislatures of France or England, the same useful knowledge, and the same aptitude of applying the great principles of government, as prevail in

Congress ; but the *reasons* must be powerful indeed, to satisfy our doubts whether even Congress is so overflowing with native talent, that it can afford wilfully, and by preference, to take to a class that require precautions of the above description. He elsewhere proposes the American lawyer as part of the history of the country ; and represents him as beginning to practise with principles rather than science, having been turned loose into the best possible school—the jostling world—with a contempt for theory, precedent, and dreaming retrospection. Admitting Congress to be an equally good school, a half-educated man is not left there long enough to learn his lesson.

Our authors are both agreed, that a waste of time is inflicted by their orators upon these assemblies, to a degree that must make it very doubtful whether much is to be acquired by a mere seat there, either in habits of business or of public speaking. The practice of making set speeches, and ‘the number of those who ‘can arrange words enough to fill an hour of time,’ are admitted by Mr Cooper to be considerable evils ; whilst the juvenile wordiness, interminable commonplaces, and the rambling off into the Presidential question, whatever might be the nominal subject in discussion, seem to have got to the limits of the patience of Captain Hall. A few intriguing heads, in such a case, manage all. The real business, however, it seems, contrives to get done at last, and fortunately by those who understand it ;—that is, when it is done. Important questions may remain blocked up for a whole session by a series of personal and party squabbles. A bill to abolish imprisonment for debt had lasted the senate six years ; and, though under discussion for many a day, ‘never seemed to advance one inch.’ Creditor and debtor will admit Mr Cooper’s fact, as follows, but may perhaps decline to accept his certificate on the desirableness of it :—‘ Congress is not remarkable for the dispatch of public business ; nor is it desirable that it should be so.’

The law which compels members to be resident in the district for which they are chosen, ensures their bringing with them as much local selfishness as their constituents can well desire. In the event of an actual difference of opinion, Mr Cooper softly admits, ‘that it is certainly true, *many* members of Congress ‘sometimes believe it necessary to yield to the mistaken prejudices of a majority of their constituents.’ Captain Hall meanwhile asserts, that the doctrine that the will of the constituents is to be the guide, is *almost universally* acted upon ; and he heard it constantly avowed. With the further fact, that the State legislatures exercise the right of instructing their senators how to act in Congress, he also became acquainted in innumerable instances.

The American *Annual Register*, written in support of the administration of Mr Adams, denounces in strong terms the grasping ambition of the House of Representatives, in its long-apparent tendency to draw to itself the powers and patronage of other departments; and reprobates, also, the invasion of the constitutional rights of the executive and judiciary, by certain political leaders. The horror expressed by Captain Hall at ‘the portentous anomaly’ of what he calls the ‘Executive Committees of the Legislature,’ is, however, only reasonable, on the supposition that the President and Senate are deprived of their legislative independence. Where the constitution places the executive authority in certain hands, that executive may still be a portion of the legislature safely, as long as the other branches of the legislature are really independent. Under such circumstances an executive, whether called President or King, if successfully thwarted by a clear and ascertained majority in the legislature, has nothing for it but to appeal to the people, to submit, or to resign. The American constitution mitigates this alternative in cases which might raise considerable scruple, by relieving the executive, in its legislative character, from the embarrassment of a constrained consent. Measures which a President would not originate, or might even decline to sanction by his personal enactment, afterwards, when they have become the law without his intervention, he may administer with as little difficulty, as many a judge who presides over a system of which he is far altogether from approving. The House of Representatives divides itself, according to Captain Hall, into upwards of thirty standing committees, which take the whole executive business so thoroughly out of the hands of the Government, that when Congress is not in session, there can be said to be no national government at all. We suspect that our traveller would be a little surprised at the difference in Downing Street, even when Parliament is up or sitting, and at the tendency the English Government has occasionally shown, to escape from responsibility in the portentous anomaly of executive committees of the House of Commons.

Were the constitutional power of the President, when he is once elected, sufficiently strong in itself, and sufficiently well protected for the purposes of a steady government, the dangers that attend the present mode of appointment are as distinct as they are critical and peculiar. The question is still open, whether America has passed the period of probation, and may triumph in having solved the problem that has defeated the ingenuity of other statesmen, and the virtue of other nations. Notwithstanding the year of jubilee, there is nothing mystical in the period

of fifty years, which requires any formal investigation, what, for this purpose, ought to be reckoned the appropriate date of the American constitution. America has considerable credit for having weathered the difficulties of the case so long. The popular election of a chief magistrate, whether at short intervals or for life, has been given up elsewhere in despair. The experiment is continuing in America every year, under circumstances of greater risk. The stock of revolutionary Presidents,—that is, of leaders with historical claims, is at an end. By a remarkable coincidence, Adams and Jefferson, the one at the age of ninety-one, the other at eighty-four, both died on the great day of national rejoicing, the fiftieth anniversary of independence. The market is now open to the world; and greater excitement at every election naturally surrounds the increasing splendour of the prize. With our calmer habits, it would be bold to answer what would be the effect in England of the election of a King every fourth year by universal suffrage. Too much importance, it seems to us, is attached by the doubters, to the technical alterations that were made in 1804, and that have been since suggested, in the form of the election of the President. They merely prove that the constitution in this, as in other respects, is unsettled. When the real crisis comes, it will neither be materially hastened, deferred, or averted by the distinction, whether the elector who is voting for two candidates at the same time, shall signify which of them he means to be President, and which Vice-President; or whether particular States keep their presidential strength entire, by mustering it at a general poll, or waste it by breaking themselves up into districts, whose opposing votes may destroy each other.

The Constitution expresses, and apparently intended, that the body, to which the election of the President is to be intrusted, should be removed from immediate popular control. This body must consist in every State of as many electors as that State has members in Congress. These electors are to be appointed in each State as its own legislature shall direct. Accordingly, the legislature may itself appoint the electors. This the legislature of New York did until the election of Mr Adams. The popular voice then forced it to adopt the district system. And it is evident, that at the next election it will arm itself with the general ticket. Upon that system, the State is divided into districts. The inhabitants of each return one or more electors; the sum of the districts, of course, returning as many electors as the State has members in Congress. The names of one set of district electors are written upon (say) Jackson's tickets, of another upon Adams's tickets; as a party intends to support either one candidate or the other, he votes accordingly.

for these their respective nominees. The number of district electors thus returned, is then cast up for the State; if unanimous, they will constitute so many actual votes for the President—if they differ, the clear majority alone is counted. Of course no State will choose to persevere in a system that risks throwing away its political strength by its different districts knocking their heads against each other, when the absurdity of this self-sacrifice can be avoided by the simple method of a general ticket. On this last plan, the inhabitants of the State vote at once, each for as many electors as his State is entitled to return members. The names of two opposite lists of these State electors will have been long circulating in strenuous canvass previously throughout the State, inscribed in the same manner on Jackson or Adams tickets. The majority thus obtained, though by a single ticket, carries up in behalf of the successful candidate the whole number of electors unbroken to the presidential poll. According to these several methods, the election of the President is really determined in this preliminary election of the electors. It is, therefore, difficult to see why this circuit is not at once avoided through a direct election of the President by the people. In case no candidate has a majority of 261 votes, (that is, of the whole electors,) the election then falls to the members of the House of Representatives;—all the members for the same State having only one vote amongst them. At the late election of General Jackson, 276,176 persons voted in the state of New York; upwards of 1,100,000 throughout the Union; being about the number of the militia, and more than half the male free population of the age of 21. We take a deep and sincere interest in the stability of free institutions; and shrink from any probability or suspicion that the Throne of Ferdinand should be based upon firmer foundations than the Chair of the President of the United States. We turn, therefore, from the apprehension raised by the mere fact of the immense force that is thus set in motion in a cause so likely to rouse human passions, and anxiously enquire, what security against our fears is to be found in the temper and character of the people.

There can be no great mystery in this matter; and the consequences may be much too serious to allow us to descend to trifling or to scorn. It is not for Englishmen at least to be very severe on the social defects of the Americans. These are in the main evidently our own, a little heightened. We can surely let them eat their dinners, although somewhat faster than we can well follow, and in a more unsociable silence than even suits our taste;—especially since, both at Albany and at Boston,

after a short residence, Captain Hall admits the formality was wearing off. Their habit of discussing in society, and the coarseness with which opinions are often urged, are rather more serious objections; and may be taken to be as excessively unpleasant, as Mr Cooper acknowledges. The characteristics of some fifty words in the whole language that they have diverted from their mother meaning—of some peculiar intonation in others—and a national stoop, may also help to lower a little the general tone and air of manners in appearance. Make the most of these:—they are mere trifles, which may at first sight strike the eye of a stranger with undue importance; but substantially things of as much indifference as the Scotch or Irish accent, or the comparative comfort of a nation's inns. Besides, much of this is matter of taste only, in which wide latitude of opinion may exist. It is clear, at the same time, that the probabilities of innovating for the better in such a case can scarcely lean much in favour of a country circumstanced as America. Still, the more unfavourable her circumstances, the more is she entitled to every allowance. What is better, the zeal, hospitality, and kindness of their deeds, stand out in extraordinary contrast with any constrained exterior and uncordial simplicity of speech. These qualities, surely, so universally and gratefully acknowledged, furnish (it may be hoped,) a sound foundation, if not always for the graceful *agrément* of a saloon—for the more valuable intercourse of individual friendship, and national esteem. The prospects of America ought to be near every good man's heart, who can have no wish but that of sharing in Mr Cooper's conviction, that 'the most natural government known is consequently the 'only empire on whose stability the fullest confidence can be placed.' The zeal with which its citizens have raised common Schools for elementary instruction throughout their land, is a noble tribute to, and confidence in, the worth of the human understanding. The intelligent observation and humanity, which, in the arrangements of the Auburn system, seem to have at last discovered a mode of Prison Discipline that pays all its expenses with the labour of the prisoners, and secures a greater amount of reformation than had ever yet been accomplished, is likely to solve a problem which older countries were almost abandoning in despair. The friends of good order are turning out there as readily as in more compact communities, against the besetting vices of their less tractable brethren. Anti-duelling societies are entered into to suppress that barbarism of the higher orders; no less than societies against drunkenness, in discouragement of the prevailing brutal indulgence of the lower. The superintendents of their Colleges are, in like manner, represented as making a

gallant stand in behalf of a more solid and extensive learning. They are indeed in arduous contest with the hundred temptations which are hurrying their young men to break from the scholastic chain, with a mouthful of education scarcely descended beyond the throat, to plunge into the world that is all before them. With such encouragements, we trust that humanity will be spared the scenes, which, considering the general devotion of America to its institutions, must accompany any events that were actually to endanger them. The fact, however, seems at the present true, that, as in foreign politics the national spirit is ahead of its strength ; so at home, the national institutions are ahead of its intelligence.

Dr Channing, who is above misleading his readers by false compliments, gives an assurance that the administration of justice is yet unpolluted by political interference. ‘ We confess ‘ that we often turn with pain and humiliation from the Hall of ‘ Congress, where we see the legislator forgetting his relation to ‘ a vast and growing community, and sacrificing to his party or ‘ to himself the public weal ; and it comforts us to turn to the ‘ court of justice, where the dispenser of the laws, shutting his ‘ ear against all solicitations of friendship or interest, dissolving ‘ for a time every private tie, forgetting public opinion, and ‘ notwithstanding public feelings,—asks only what is *right*.’ Therefore, we confidently hope, that Captain Hall’s fears on this head may be considered premature. Notwithstanding his distinction between civil and criminal justice, no specific facts are stated by him, nor have any come to our knowledge, which justify his alarm, that popular intrigue or menace is already undermining the legislative or judicial security of property. The establishment of common schools at the public expense is surely no violation of the property of the rich in favour of the poor. If it were possible to imagine the struggle respecting the bill, (whether it is properly called for relief or confiscation,) that so long convulsed Kentucky, to have occurred at New York, the prospect would be a very different one. But we should as soon expect to read, that Governor Clinton, on the precedent of Governor Desha, (1827,) had been pardoning his own son, against whom a grand jury had found a true bill for murder, on the ground that during three years a jury could not be obtained to try him, and it was, therefore, hopeless to wait longer. We treat Kentucky as an excepted case. The *North American Review* is indignant at the atrocious story, widely circulated, that the Kentuckians flayed Tecumsah, the Canadian hero, and made trophies of his skin. The story, at least, is not got up in London.

Let the editor turn to the favourable Travels of as veracious and republican-spirited an officer as ever served either monarchy or republic—those of Lieutenant Hall, formerly military secretary to General Wilson in Canada, for the authority.

There can really be no great mystery in American character and intelligence, notwithstanding Mr Cooper's transcendentalism about common sense. The people, we are told, are all alike, and remarkably like what common sense tells them they ought to resemble. Their ploughs and axes are better than are to be found in the whole of Europe, and are made by a peculiar common sense learned in their common schools. Their inability to laugh at the jests of an English player, who complained afterwards of the dulness of his audience, arises from their theatrical taste being formed under the dominion of common sense. The poverty of materials, which makes Mr Cooper call the composition of a successful American comedy almost a miracle, has the same honourable cause. Their subdued manner arises from their common-sense habit of viewing things. Their distaste for conventional politeness arises from their thoughts being too direct for such gross deceptions. The peculiar destructiveness of the American musket (as at Bunker's Hill) is an unavoidable consequence of the general dissemination of thought in a people. It is common sense which makes a man refuse to fight a duel at all ; it is common sense which makes the rest practise to acquire the skill, and go out with muskets, to make sure that an actual duel shall be as fatal as gunpowder can make it. Already they speak their language better than any other people, and in another generation or two, far more reasonable English will be spoken than is at present in existence. It is this common sense which is one day to change the literature of the world. ‘The literature of the United States is a subject of the highest interest to the civilized world ; for when it does begin to be felt, it will be felt, with a force, a directness, and a common sense in its application, that has never yet been known.’ (Mr Cooper, *passim*.) Now, this wonderful common sense certainly wants explaining. It is as mysterious to us as some of Captain Hall’s opposite deductions ;—for instance, that a wig is useful for the administration of justice ; that dramdrinking is ‘the natural child of democracy, and interwoven in the very structure of its society ;’ and that Unitarianism is almost sure of ultimate success in America, because it is the ‘democracy of religion,’—the denial of allegiance to, and reliance upon, the merits of our Saviour, giving an appropriate political connexion with the abjuration of [redacted] and the adoption of direct self-government in civil insti-

Surely we need none of these contrary solutions of the American problem. The descent of the American is no secret. His ancestors, not only in accent, but in mood and manner, may be found to-day on our Western and Cornish coast. Removed full-grown, his history is traceable step by step; and all the characteristics that Burke sets out in his stately periods, are the very same as are now developed and developing on a greater scale. The people of America, as of every other country, must be divided into two great classes, higher and lower—for this division is not made by vote of Parliament or Congress. The following, among other causes, will be powerful in reducing the qualities, moral and intellectual, of the two orders to the same level : Partible succession, by which Captain Hall was struck so much in the appearances of dilapidation, in the first breaking up of the large estates on the banks of the Hudson and in Virginia;—the consequent fact of the most considerable properties being always in the hands of the men whose lives have been absorbed in the making of them;—the unfinished education so universal, where nobody will stay over his books and be left behind by his competitors in the start of life;—the collision and the fusion of a system where a passion for electioneering is the first passion in every breast, and generally the chief topic on every tongue, and where a passion for legislation takes the second place; that of litigation closing up the rear.

The great civilizers of most societies—literature and the ladies—make slow way here at present. Mr Cooper, of course, expatiates and refines prodigiously on the elevation of the moral feeling to which the condition of women in America is owing. In learning, the *blues* of Europe are beat by young women at the tea-table of a New England inn; and the touching homage, with which this nation treats the weaker sex makes America ‘the Paradise of Women.’ On the other hand, Captain Hall informs us, that the women in humbler life are left to walk home unattended from the fair. During a whole day he could only count nine females among some thousand solemn merry-makers, a portion of whose amusement, however, was a reel, but with four men dancing it. In higher life, at parties, the ladies were sitting in a room by themselves; whilst in a ball-room, they and the gentlemen appeared perfect strangers. He never saw, throughout the whole United States, a single flirtation; and this is a test upon which he lays proper stress—immediately observing, that ‘for the attainment of any high degree of refinement in society, the practice of it should be habitual, and not contingent.’ The result, namely, that women do not enjoy the same station

as in more fortunately arranged communities, he attributes to their own greater subjection to household duties from the want of good servants ;—to the absorbing questions that no woman can care about, springing from cheap justice and electioneering, which leave the husband no time for his fireside ;—and, lastly, from the moral and political circumstances which prevent the habitual understanding of intimate companionship. His authority, however, as an observer in such a case, we must again admit, is considerably shaken by what seems to us an extravagant exaggeration of the kind of influence exercised by the sex in England ; when he announces the existence there of a ‘necessity ‘that all Englishmen, especially the highly-gifted and ambitious, ‘should carry with them the sympathy of the female portion of ‘the class to which they belong.’

Mr Cooper is for ever pointing out to his countrymen the millennium of 1920, and impressing on them the necessity of keeping together, in order to be feared. The *literary* millennium, which also he foresees as stoutly, is, under the present aspect of their society, the subject of less positive calculations. Dehon and Irving are certainly writers with a highly finished surface, and from a very polished school. Channing touches lofty keys, but their compass sweeps not very wide. Webster would do credit to any public assembly in the world. We honour the more the enthusiasm for letters which overcomes all obstacles. It may be true, that the nature of their institutions and the present tendencies of their social organization, give talent a greater influence than any other single thing ; and yet it may be equally a fact, that they are not found favourable generally to the rise and cultivation of commanding talents. So far they may be called upon to pay, in this respect, the penalty, without obtaining the encouragements of freedom. Mr Cooper tells us an intellectual crisis took place twenty-five years ago, and that English influence, which within these fifteen years was predominant there, over what is still by courtesy called the English language, has ceased to be so. In twenty years perhaps, certainly in fifty, things are to be absolutely reversed. At present, however, they pride themselves in political literature only. The estimated number of their Journals is from 600 to 1000 ; there being 150 in New York alone. The remaining supply for their reading public is almost entirely the produce of the English press. They send us no ‘lumber’ even of this kind in return. It is agreed that deep scholarship is nearly out of the question ; and although Mr Cooper rates the present state of science at five to one compared with what it was fifteen years ago, it is premature, he adds, to say science is profoundly

attained at any one of the American Universities. Whilst they are great readers, their reading is of too light a kind, and their habits too rambling, to encourage them to make private libraries. ‘The solid mass’ of our publications never crosses the Atlantic. The duty of fifteen pence a-cwt. on imported books would of itself deter this frugal people. Mr Cooper does not allow the subject of literature to pass without indulging in the same inconsistency, which makes his book as disagreeable from the unsatisfactoriness, as it is painful from the temper, with which it is written. In one page, he advances the fact, that our foolish books are not reprinted, as a proof that the general taste of the reading world is better in America than in England. Immediately afterwards, he informs us, that the American publisher does not reprint our trash, because he knows the decision of the English critics before he makes his choice. Again, national literature is repressed by the circumstance that English works can be got gratis. ‘A capital American publisher assured me,’ says he, ‘that there were *not* a dozen writers in the country whose works he should feel confidence in publishing at all, whilst he reprinted hundreds of English books without the least hesitation;’ not so much from the difference of merit, as the addition that paying the native author would make in the price. Yet within twenty pages, we find that ‘writers are already getting to be *numerous*, for literature is beginning to be profitable. Those authors who are successful receive prices for their labours which exceed those paid to the authors of any other country, England alone excepted; and which exceed even the prices paid to the most distinguished authors of the mother country, if the difference in the relative value of money in the two countries, and in the luxury of the press, be computed.’

The religion of the American people is beyond dispute; even supposing it should not be true, that ‘in point of moral truth,’ they have twice as many churches as any other twelve millions of people on the globe. For the credit of the doctrine of the Church of England, more than for that of the effect produced by its emoluments and honours, it is gratifying to find that it is gaining upon other sects in America, where it is unincumbered by the golden or silken chains of an establishment, as much as it is losing at home. Their hundred sects will, we trust, unite in the work of public peace and charity, by striving to soften, purify, and elevate, the spirit of their respective members.

Mammon, the meanest spirit that lost Heaven, is as busy in Congress, it seems, as he can be on the treasury benches of less popular institutions. Mr M'Duffie, of Virginia, told his brother

members to their face, ‘There is no country where office has more attraction than in the United States. He did not say this in censure or praise. Human nature is the same everywhere. We are, however, somewhat worse than in England. A member of Parliament would disdain to accept a petty office at the hands of the King. A member of Congress will accept any office.’—A melancholy warning has been put on record at the other extremity of the Union. It is an appeal to his countrymen by De Witt Clinton, in language, the affection of which they cannot doubt, and the truth of which should now come over them with the solemnity of the grave. ‘It cannot, nor ought it to be concealed, that our country has been more or less exposed to agitations and commotions for the last seven years. Party spirit has entered the recesses of retirement; violated the sanctity of female character; invaded the tranquillity of private life; and visited with severe inflictions the peace of families. Neither elevation nor humility has been spared, nor the charities of life, nor distinguished public services, nor the fire-side, nor the altar, been left free from attack; but a licentious and destroying spirit has gone forth, regardless of every thing but the gratification of malignant feelings, and unworthy aspirations.’—

If a fondness ‘to spread friendship and to cover heats’ is one of the most amiable affections of private life, this disposition becomes a solemn obligation on every human being in whatever touches upon the intercourse and relations of powerful states. Suppose all malignity out of the question, and that it is only some poor taste for ribaldry or gossip; yet no levities can be pardonable where such fatal consequences may follow. Gadflies, that can do little else, can sting: and there are foolish jests on record which have ruined kingdoms. The Americans might have been trusted to distinguish the ill humour of a traveller, or the pertness of some small clerk in office, from the policy of a government and the sentiments of a people. But there is a greater difficulty in discriminating when the authority of so good-natured and benevolent an arbitrator as Captain Hall evidently meant to be, is interposed, with estranging admissions calculated to mislead. He assumes the fact of ‘a mutual hostility between America and England.’ ‘The spirit of generous rivalry and cordial international respect,’ which the French and English, though long called natural enemies, delight to cherish, is illustrated by the contrast; but of this, alas! ‘there are but feeble traces in our relations with America, and not the slightest spark, in theirs with us.’—‘Similar causes were in action in America to render England as ungrateful a topic with them as America

'undeniably is with us.'—'I cannot, and never did deny, that there existed among us a considerable degree of unkindly feeling towards America.'—'The artificial structure of society in the two countries is, besides, so dissimilar in nearly all respects; and the consequent difference in the occupations, opinions, and feelings of the two people, on almost every subject that can interest either, is so great, and so very striking, even at the first glance, that my surprise is not why we should have been so much estranged from one another in sentiment, and in habits, but how there should still remain—if indeed there do remain—any considerable point of agreement between us.'

It would be a great relief to us could we believe that Captain Hall is as much mistaken with regard to the temper and feelings of the Americans, as we feel confident that the above representation is a grievous overstatement of the opinions of any portion of ourselves, so considerable as to deserve mentioning under the name of the English people. The ignorance, indifference, and incuriosity that generally prevail in respect of every thing American, it is, we admit, impossible to exaggerate. The mind will only carry a certain quantity of interesting topics. There are many things accordingly which we ought to know, and of which, as it were by common consent, we are, nevertheless, agreed to know absolutely nothing. Of these America is one. As India remains with us in a state of suspended animation till Charter discussions revive it to a momentary galvanic life, so it requires a War, an Emigration Committee, or a Tariff, to give one a chance of hearing the name of America for twelve months together. Although the maxim, *omne ignotum pro magnifico*, very probably does not apply to the present case, yet so profound an ignorance, instead of arising from, is inconsistent with, the supposed hostile alienation. The sympathy of common names and kindred blood has gone indeed with the connexion. But we have never observed, when America happened to come into discussion, that there was less cordiality felt towards her, than towards any other foreign country. Least of all can we imagine, were such the fact, that it is to be accounted for by their form of government and social organization being particularly repulsive to English feelings. This would almost justify the assertion, that England will not tolerate the idea of any country prospering under a greater degree of liberty than what she herself enjoys. Representation removes so many of the difficulties which stood in the way of the ancient democracies, that there can be no comparison between the commonwealth of America and the republics of Greece and Rome; yet, to say nothing of Switzerland and Holland, an attraction towards the old republics is one

of the first lessons we are taught at school. If we are to be repelled from nations that repeal their laws of entail, and their laws in favour of primogeniture, our quarrel should begin with France, where an equal partition among children is enforced by the very letter of the law, whilst, in America, it is effected by public opinion only; the legislature having wisely left the disposition of his property entirely in a father's power. So far from any abstract repulsion on such questions, (whatever may be our expectations respecting their probable success,) the experiment of what is the lightest Curb with which a nation can be ridden, and what is the least pruning which the Tree of Freedom may require for its most perfect use and beauty, must be viewed with more than good will and kindness by all who are sufficiently enlightened to watch its progress and understand its object.

Nationally speaking, the Americans must not be allowed to go away with the idea, that we will not live in respectful charity with a republic. It is a crotchet we never before saw or dreamt of. Enthusiastic minds might contemplate the prospect with more fervour; but the last page of Paley's Chapter upon 'Different forms of Government' assuredly represents the spirit with which the great body of those who concern themselves about such matters, are calmly waiting the result of the problem which America is trying, of a federal republic on a large scale.

We are ready (none more so) to cry, Woe on those who would throw a snake into the cradle of the infant Hercules, and who would work up the leading-strings of earlier ages into prison fitters for time to come. Our regret is in proportion so much the deeper and more sincere, at the tidings which are coming in, that the country of Washington and Franklin is becoming vulgarized by vulgar contests about persons and parties nothing worth, and feeding a vicious appetite on the low offal of national antipathy and abuse. Mr Cooper's book is written in the spirit of a man who should strut down the street, treading upon the toes, and putting his fist into the face, of every gentleman he met. He raises our want of cordiality, assumed by Captain Hall, into a 'deep and settled aversion to America,' arising partly from calculation, partly from feeling. Assuming these premises as correct, he calls on his countrymen to lay aside their forbearance, and enter into a partnership of duty with him in the expression of his 'distrust, coldness, and not unfrequently 'unconquerable disgust.' The present result he states in interrogatories—'Why is Russia already occupying that place in 'American politics which England should have nobly filled? 'Why did America choose England for her foe, when equal cause

' of war was given by France, and when the former was certainly most able to do her harm?' The consequences which he anticipates, and which he may well deprecate, whilst he sneers at the 'much mawkish philanthropy uttered on the subject,' 'are nothing short of the growing dislike degenerating into a 'feeling that may prove discreditable to human nature.'—'The 'day is not far distant when the conflicting interests of the two 'nations shall receive support from equal power. Whether the 'struggle is to be entertained by the ordinary rivalry of enter- 'prise and industry, or by the fiercer conflict of arms, depends 'greatly on the temper of America. To us the question is purely 'one of time. The main question is, whether that rivalry shall 'consist in manful, honourable, and amicable efforts, or in bitter, 'vindictive, heartless warfare. England and the United States 'are placed in situations to make them respectful competitors, 'or downright haters. The time is near, I had almost written 'frightfully near, when two nations, who thoroughly understand 'each other's vituperations, shall support a delicate rivalry by 'equal power.'—We remember nothing which approaches so near 'the aspect of settled and calculating hostility.' In case Amer- ican books were, by any strange revolution in letters, to be cir- culated here, Captain Hall has undertaken to answer, 'for the 'sensation they would produce being one of extreme irritation, 'perhaps not less than what is excited in America by our publi- cations.' As far as such influence can reach, Mr Cooper's vol- lumes must have about done their worst in that respect. We can imagine no war of pamphlets which should import into this coun- try the plague and pestilence of any feelings of animosity and defiance correspondent to the fierceness indicated in the above and other paragraphs of a work, compiled for the very purpose of undeceiving us from the fictions of our own reporters.

To recommend, with Captain Hall,\* as a protection against

\* 'The fact of the greater part of all the works which are read in one country, being written for a totally different state of society in another, forms a very singular anomaly in the history of nations; and I am disposed to think that the Americans would be a happier people if this incongruous communication were at an end. If they got no more books or newspapers from us than we do from France or Spain, they would, I really believe, be much happier, as far as their intercourse with this country has any influence over them.'—(Vol. ii. p. 48.)

' My opinion now is, that while each of our governments retains its present character, any closer intimacy between us is not likely to spring up. Neither do I think, all things considered, it is what the Americans themselves ought to desire.'—(Vol. iii. p. 434.)

misunderstandings, that the supply of English literature of all descriptions into the United States should be closed up, and that even our personal and familiar intercourse should be put on the footing of ‘angel visits, few and far between,’ is really treating two intelligent communities a great deal too much like spoiled children. The more we see of each other, the better shall we learn to estimate, at their true value, these paper bullets which a few riflemen on both sides may discharge; and the juster will be the inferences which an enlarged and indulgent comparison will enable us to draw. Notwithstanding the different points of view at which we stand, there are a hundred reasons why each should hold the other in the light of the most favoured nation.

America must turn out of her natural path before she can cross ours for ages. If she should rush on such a collision in very deed, as much as her imagination delights to revel over it in words, with her will be the guilt, fall the consequences where they may. Men that plume themselves on ‘the common-sense, high-mindedness, and humanity’ of their country, might have a nobler occupation than the hourly measuring of her swelling sinews and overshadowing bulk. There is enough of honest triumph for America in her actual position and reasonable prospects, without every morning sending up her statesmen to the high places of her Pisgah, and enjoying the prospective subjection of the globe. Such predictions of national policy may well place her in boasted alliance with the coarser half (with, as it were, the body and not the mind) of Europe—with that Russian iceberg, whose advancing and accumulating weight chills and withers the unfortunate regions where it may draw nigh.

We ask, and fearlessly, of our deriders, whether English arms, arts, and literature, and, above all, English public character and example, have not done as much for mankind as its two proudest boasts—Greece and Rome? Let the nation that (we speak it not in reproach) has as yet done nothing, in this or any sublime department, deduct from the present condition of the world all that it owes to England, and then see to what point its thermometer will fall. There has been no period of history when England was more competent and more prepared for its high calling than now; or when, if it could be driven off the stage by one of the younger members of its house, the crude and impatient minor would find itself less qualified to take its place and discharge its duties. Braved and taunted, England is authorized to raise her tone, and put her language on a level with her deeds. America, in the meantime, must be contented to remain, as yet, for all purposes

but that of animal strength, and those natural spirits of buoyant enterprise which belong to a rapidly-swelling and growing frame, a land of promise—of noble promise, we believe and trust—with a future in the horizon which we ardently pray she may realise and adorn. As that future approaches nearer to consummation, and in proportion as *mens agitat molem et toto corpore miscet*, we are confident that she will be less and less disposed to pour contumely on the Ithaca whence she sprang, or to break that bow of Ulyssæan greatness, which, to-day at least, she cannot draw.

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## LIST OF NEW PUBLICATIONS,

*From March to July.*

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\* *It will be obliging in those, who wish the titles of their Publications to be inserted in this List, to address their notice to the Publishers, and not to the Editor, in whose hands they are sometimes unavoidably mislaid.*

### ARCHITECTURE, ANTIQUITIES, AND THE FINE ARTS.

Britton's Picturesque Antiquities of English Cities. Parts II. and III. Each med. 4to, 1*l.*; imperial 4to, 2*l.*

— Cathedral Antiquities. No. XLIV. and XLV. 12*s.* each, med. 4to, sewed.

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### ASTRONOMY.

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### BIOGRAPHY.

Coxe's Life of Pelham. 2 vols. 4to, 5*l.* 5*s.*; imperial 4to, 10*l.* 10*s.* bds.

Annual (The) Biography and Obituary, 1829. 8vo, 15*s.* bound.

Miller's (General) Memoirs. English, 2d edition, 2 vols. 8vo, 1*l.* 16*s.*; Spanish, 2*l.* 2*s.* boards.

- Howell's Alexander Selkirk. 12mo, 5s. boards.  
 Roscoe's Scipio de Ricci. 2 vols. 8vo, 1l. 1s. boards.  
 Lawson's Life of Laud and Times. 2 vols. 8vo, 1l. 8s. bound.  
 Sucket's Memoirs. French, 2 vols. 8vo, 1l. 1s. sewed ; English, 1l. 4s. bound.  
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 Josephine's Memoirs. French, Vol. III., post 8vo, 8s. sewed ; English, 10s. 6d. boards.  
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